

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, January 14, 1965

The Public Hearing was called to order by Vice-Chairman Richard E. Gaus at 7:40 P.M.

Because of the Absence of Messrs. Houston, Bennett and Jones, therefore a quorum not present the meeting was recessed after the hearing, until Feb. 11, 1965.

ROLL CALL

Present: Messrs. Alfaro, Butterfield, Gaus, Keep, Kelley—5.

Absent: Messrs. Bennett, Houston, Jones —3.

No. 1347

A re-hearing of appeal by Francis Fine to renew a time extension on Appeal No. 1347 granted Feb. 13, 1964. This appeal is to erect a 100 sq. ft. sign on any lot in Somerset Subdivision where no homes are erected or on a lot where a model is open for a period not to exceed two years, con-

trary to Section 36-17 of the Zoning Ordinance in the "A" one family residence district at Somerset Subdivision. Mr. Donald Bolley, 625 Denver St., office manager of Fine Built Homes was present and stated the lots in this subdivision have not yet been completely sold out. Fine Built Homes only wishes to use the sign until the models are sold, then move the sign to other sections in the subdivision using one sign only. There are still some unplatated sections of land in the subdivision. There were no objections. The action was postponed on this appeal because of lack of a quorum. The matter will be reconsidered at the Boards regular meeting in February.

No. 1426

This appeal was cancelled because no variance was required.

The meeting adjourned at 7:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, February 11, 1965

Court Room No. 1

City Hall

Lansing, Michigan

The Public Hearing was called to order by Chairman John Houston at 7:30 P.M.

ROLL CALL

Present: Messrs. Bennett, Butterfield, Gaus, Houston, Jones, Keep and Kelly—7.

Absent: Mr. Alfaro—1.

Moved and supported that the minutes of the meetings of December 10, 1964 and January 14, 1965 be approved.

Motion carried unanimously.

It was moved and supported that Appeal No. 1347 be taken from the table.

Motion carried unanimously.

No. 1347

A tabled appeal by Francis Fine to erect a 100 sq. ft. sign on any lot in Somerset Subdivision where no homes are erected or on a lot where a model home is open for a period not to exceed two years contrary to Section 36-17 of the zoning ordinance in the "A" one family district at Somerset Subdivision. Zoning ordinance prohibits advertising signs exceeding ten sq. ft. in area in the "A" one family district.

It was moved and supported that the appeal be granted subject to the following conditions:

1. That the face of sign shall not exceed 100 sq. ft.
2. Maximum height of the sign shall not exceed 15 feet.
3. Sign shall be situated so as not to obstruct view for traffic or adjacent property owners.

4. Only one sign shall be permitted.

5. This variance expires one year from date issued. Application, for consideration of time extension be made to Appeal Board 60 days prior to expiration of date.

6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Lights shall be turned off by 10:00 P.M. nightly.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

No. 1427

An appeal by Arnold Johnson to use a home for the sale of antiques contrary to Section 36-21 of the zoning ordinance in the "C" two family district at 1228 N. Washington Ave. Zoning ordinance prohibits retail sale in the "C" two family district. The petitioner was present. Attorney Neal McLean was present and explained Mr. Johnson works for Fisher Body Division of General Motors and is retiring early because of health reasons. He has been in this business for six (6) years. He has a petition before City Council for a rezoning of the property. The antique shop is located on the first floor, he has a rental apartment on the second floor. The property is 200 ft. in depth, there is sufficient parking space. There is also a house in the rear that is rental property. There are no other employees in the business, very few people come to the house. The house is located near Willow St. Two houses in that vicinity are used as part of the welfare agency, the second parcel to the south is zoned "E" apartment shop and "G" business districts. Lots fronting Grand River are zoned "F" commercial. The petitioner stated that "This operation will not be a detriment to the neighborhood." Mrs. Vance 1231 N. Washington stated she had no objections, she thought the Johnson property was very well kept. Mr. A. John-

son said this business would supplement his retirement check. Mr. Bernard Tubandt 1222 N. Washington objected to this appeal. He stated ten other people in the audience objected to this project also. He lives next door to the Johnson's and did not mind this project when it was confined inside the house, but the fumes from painting the furniture in the yard is very disagreeable. Mrs. Beulah Bovee 110 E. Willow St. stated she and the other neighbors did not want this kind of business in the neighborhood, but if the sale of the antiques is confined inside the house she would not object.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the Lansing Zoning Code as this use would not be detrimental to the surrounding area.

Motion failed to carry by the following vote.

Yeas: (5).

Nays: (2).

Appeal not granted (6) votes required a variance or exception from the regulations of the zoning ordinance. The dissenting Board Members believed this variance would change the character of this property from residential to commercial and would create a use that would be out of character with the area.

No. 1428

An appeal by Clarence Fitzpatrick to use a portion of a residence as a barbershop contrary to Section 36-21 of the zoning ordinance in the "C" two family district at 400 S. Butler Blvd. Barbershops are not permitted in the "C" two family districts. The petitioner was present. He stated City Council had turned down his petition to rezone the property as this would not be in keeping with the ordinance. If this petition is granted part of the structure will be removed and a nice desirable structure will be placed at this location. Mr. Tyler owner of the property spoke in favor of the petition, stating Mr. Fitzpatrick will have to find a location for his business as the highway will be acquiring the property where he is presently located. He would like to keep his business in this area and there are business on several corners in the general area. Mr. Tyler also stated there would be no excessive traffic around the area. "The lot is 75 x 75 and there would be parking to the front of the building." "It is too bad our own people are trying to keep others out of business." Mr. Russell Kassouff 5350 Ella's Court has a cleaning business on the northwest corner and stated Mr. Fitzpatrick would keep the corner new. He also stated Don and Bill owners of a grocery store on the northeast were unable to be present but had no ob-

jections to the project, his business and the grocery store have kept the neighborhood on a higher level. If the Tyler property is rented it could very easily run down with over crowding of occupants on the premises. Mr. G. B. Williams 912 Kalamazoo St. was against the project. He stated he had paid approximately \$17,000 for his property and has lived there for ten years. It is high time some of our people have a decent neighborhood to live in. Don and Bill live in different neighborhoods, also Mr. Kassouff yet they want to bring their business into this area. We would like to keep the neighborhood residential. The highway department is still undecided about the Logan Corridor as to the purchase of properties. Mrs. Barbara Coleman 416 S. Butler Blvd. stated she was against this project, she has spent quite a sum of money on her property, would like to keep this neighborhood residential. Mr. Joseph Coleman 416 S. Butler Blvd. asked about the parking facilities. He explained how congested the parking is in the neighborhood and there are quite a few children in this area, it would be unwise to have a barbershop in this locality.

It was moved and supported that the appeal be granted under Section 36-12.(7) of the Lansing Zoning Code to relieve a practical difficulty.

Motion failed to carry by the following vote:

Yeas: (5).

Nays: (2).

Appeal not granted six votes required a variance or exception from the regulations in the zoning ordinance. Those not favoring the allowance of the petition indicated that if this case were given favorable consideration by this Board it would create a situation where other business and residences located within the path of I-496 would feel that they would be initiated to the same consideration.

Mr. Houston stated:

"Continued in action by our Planning Eminity's to favorably recommend or suggest ways by which the uniformed citizenry can improve their plight within a lawful framework is becoming more apparent.

One of the reasons that the Staff exists is to provide helpful professional advice—then—this is tempered by the lay thinking of Board Members. Sometimes we can be too idealistic. The appeal which is the subject of my remarks is really no different from hundreds that have come before this Appeal Board. The area in question was the subject of a recent rezoning request which because of the peculiar nature of the zoning—the Planning Board tabled the petition for 60 days—waiting for the City of Lansing and the State Highway Department to come to some conclusion about

Logan St. Finally they did—the Plan as you all know is that Logan is to be a boulevard south of the river and a one way pair north of the river. The part north of the river will isolate the property in question into one section of a triangle on the southwest corner of Butler and Kalamazoo Streets.

I have felt that special consideration should be given to the few non-white businesses of Lansing. Why should they be forced by this type of action (denial) to go into shopping centers that they cannot afford economically?

The Planning Board by, an eight (8) to nothing vote (for the request to change zoning to commercial), sent this request to City Council. City Council turned down this request but approved one of similar nature directly across the street. This appeal was brought to this Board on suggestion of the Council's Committee on Planning because they favored this use on this one corner but did not wish to have the use expanded throughout the entire block which rezoning of the property would have allowed."

No. 1430

An appeal by Louis G. Fortino to erect an addition to an existing grocery store contrary to Section 36-50.4 of the Zoning Ordinance in the "F" commercial district at 838 N. Pennsylvania Ave. Ordinance requires a set-back of 20 feet on both sides of intersecting street lines in the "F" commercial district. Mr. Leo Farhat attorney for the petitioner stated in February 1961. Mr. Fortino received consideration from the Board to erect a rear addition and parking facilities. He needs more area for merchandising and display. The parking area is now utilized for employee parking of two or three cars. It is hazardous to back out on to Sheridan St. Mr. Fortino would like to utilize this space to relieve a hardship construed by his growing business. There were no objections.

It was moved and supported that the appeal be denied.

Motion carried by the following vote:

Yeas: (5).

Nays: (1).

Abstain: (1).

The Board found:

1. This variance would contribute to overcrowding of land, which would create a blighting influence in the area and is not in the best interest of the community.
2. Due to past and present accidents at the intersection of Pennsylvania and Sheri-

dan Streets, the Traffic Department indicates that the present setback should be maintained at the intersection of these two major streets. The widening of Sheridan Street to four (4) lanes will require acquisition of additional right-of-way. This property will be involved in the street widening.

3. Expansion of commercial use without adequate room for parking and open space for buffering adjacent residential uses, is not in the best public interest.
4. The proposed addition would project ahead of the established setback along Oakland St.
5. No evidence of unusual practical difficulties or hardship due to irregular shape, extreme topography or other circumstances, warranting deviation from the zoning district requirements is present.

No. 1431

An appeal by Vance L. McWhorter to erect a one story one family dwelling reducing the north front yard from the established setback of 32 ft. to 25 ft. contrary to Section 36-44.4 of the zoning ordinance in the "A" one family residence district at 1601 Wellington Rd. Zoning ordinance does not permit building ahead of the established setback line, in the "A" one family district. The petitioner was present and stated the petition explained what he would like to do. He was aware of the 25 ft. setback and stated his neighbors had no objection to the project.

After considering the matter it was moved and supported that the appeal be denied.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

The Board found the lot in question is of proper length and width and is compatible to lots in the surrounding area. This is merely a case of designing a dwelling that cannot meet the yard requirements in this zoning district. The Board does not believe that this reasoning can be construed as a hardship, but merely serve as a convenience to the applicant and is so prohibited. The Board would further suggest, the alternative as shown on Sketch No. 2 which would require a variance in the rear yard of 7 ft. 6 inches and would maintain the two front yards as established in the area.

No. 1432

An appeal by Henry Baker to glass in existing front porch which will extend be-

yond the established building line but not the present porch line contrary to Section 36-44.(4) of the zoning ordinance in the "A" one family residence district at 407 Denver St. Zoning ordinance states that no building shall project beyond the established building line in the "A" one family district. The petitioner was present and stated this enclosure would keep out the rain and dust and will also make the house warm in the winter. The present structure is deteriorating, the enclosure will be of glass. The neighbors do not have any objections. Mr. W. G. Kruger 330 Denver Ave. stated he was in favor of this project.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code providing adequate footings as determined by the Building Inspector are constructed. The Board found this variance would reduce the yard as required by ordinance but would not have a detrimental effect on any adjoining property and would have a beneficial effect on the general welfare. This would not block air, light or view. It is conceivable that this exceeds the convenience clause in that it will help to stabilize property values in the area.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

No. 1433

An appeal by William Hill to erect a front vestibule addition reducing the front yard from the maximum required by the ordinance of 50 ft. 0 in. to 47 ft. 0 in. contrary to Section 36-44.(4) of the zoning ordinance in the "A" one family residence district at 6055 Daft St. Zoning ordinance does not require new construction to have a front yard exceeding 50 ft. where the established setback does not exceed 50 ft. in the "A" one family district. The petitioner was present and stated the project had been started when he found out he was out of line. There are other houses with setbacks closer to the street than his. The neighbors have no objection to the vestibule.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the zoning ordinance. The Board found the residential structure setback line along this street has been established 25 ft. over what is required by City Ordinance. The hardship relates to the homes and the established setback line. The Board believes that this variation will not seriously affect any adjoining property or general

welfare and is within the jurisdiction of the Appeal Board for consideration.

Motion carried by the following vote.

Yeas: (7).

Nays: None.

No. 1434

An appeal by South Baptist Church to erect an addition to church building which will reduce rear yard to the west from 25 ft. 0 in. to 10 ft. 0 in. contrary to Section 36-45.(2) of the zoning ordinance in the "C" two family district at 1518 S. Washington Ave. Mr. Wesley Webb architect from East Lansing represented the church and stated the church intended to make sufficient use of this site. The new addition would be on the N.W. corner, on the Woodlawn Ave. side. This would eliminate driving thru the area and this portion of land would be landscaped. Parking would be kept within these two lots. Mr. Houston asked if there would be additional parking. Mr. Webb stated no other parking spaces are being provided. Mr. William Ganaway 125 Woodlawn Ave. was in favor of this addition, he stated the gym would give the youth something to occupy their time, for extra activities. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing zoning ordinance. Low evergreen plantings be provided along the building frontage on Woodlawn St. and that one of the following types of screening be provided along the west property line except for the residential setback on Woodlawn St. and Moores River Drive.

1. Dense evergreen plantings of a mature height of 5 ft. to 5 ft. 6 in.
2. A 5 ft. cyclone type fence with interwoven slats.
3. A 5 ft. cyclone type fence with low evergreen plantings.

The Board found the hardship in this case derived from the irregular shaped lot, which a portion provides for the proper rear yard and the other portion where the lot line varies lacks the necessary yard space. The Board believes that this variance imposes an unusual practical difficulty and is within the jurisdiction of the Appeal Board to grant relief. It is felt that this variance will not seriously affect adjoining property or the general welfare.

Meeting adjourned at 9:10 P.M.

Respectfully submitted,

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, March 11, 1965

March 11, 1965

No. 1428

Court Room No. 1
City Hall
Lansing, Michigan

The Public Hearing was called to order by Chairman John Houston at 7:30 P.M.

ROLL CALL

Present: Messrs. Alfaro, Bennett, Butterfield, Gaus, Houston, Keep and Kelley—7.

Absent: Mr. Jones—1.

Moved and supported that the minutes of the meeting of February 11, 1965 be approved.

Motion carried unanimously.

No. 1427

Attorney Neil McLean requested by letter that the Board reconsider the petition by Arnold Johnson for use of home for sale of antiques when all eight (8) Board Members are present. Mr. Arnold Johnson was present and again asked to be heard. He stated his property taxes have increased and because of health reasons he will be retiring at an earlier age. His wife sells the antiques and he would like to have this continued. He has enough parking for seven cars for customer service. Mr. Johnson also stated his house payments are \$130.00 per month and he is too old to get another job.

It was moved and supported that the appeal be tabled until all eight Board Members are present, as requested by the attorney, Mr. McLean.

Motion carried by the following vote:

Yea: (7)

Nays: None.

The Board also voted unanimously to obtain a legal opinion from the City Attorney on this matter.

It was moved and supported to reconsider the appeal by Clarence T. Fitzpatrick to use a portion of a residence as a barber-shop at 400 S. Butler Blvd.

Motion carried by the following vote:

Yea: (6)

Nays: (1).

It was moved and supported that the appeal be tabled until all eight (8) Board Members are present, and a legal opinion be obtained from the City Attorney concerning this matter.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1430

A letter from Attorney Leo Farhat requesting a copy of the staff analysis on the appeal by Louis Fortino pertaining to property located at 838 N. Pennsylvania Ave.

It was moved and supported that a legal opinion be obtained from the City Attorney on this matter.

No. 1431

It was moved and supported that the Board reconsider the Petition by Vance McWhorter, 1601 Wellington Road. A letter was received from the petitioner, also an inter-office communication from Councilman Bradshaw requesting reconsideration by the Board of Appeals concerning this petition, to erect a one story, one family dwelling reducing the north front yard from the established setback of 32 ft. to 25 ft. The letter stated that Mr. McWhorter's wife is an invalid and is confined to a wheel chair, the house had been planned for easier movement of the wheel chair. The neighbors do not object, a petition with signatures from the neighbors showing that they had no objections was submitted.

It was moved and supported that the appeal be granted with setback as requested by the petitioner.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1435

An appeal by Dr. Edward S. Fox to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 3,630 sq. ft. contrary to Section 36-54.(5) of the zoning ordinance in the "C" two family district. Zoning ordinance requires 2000 sq. ft. of lot area per family in a "C" two family district. The petitioner was present. Mr. Butterfield asked "if this was an addition to the house?" Dr. Fox stated it was not, there would be two apartments. He is no longer living in the dwelling, he now lives in Holt. Mr. Gaus wanted to know "if his offices would still be in the building." Dr. Fox replied that they would be.

Messrs. Fountain and Elbert explained this petition to the Board reading from Section 36-21 of the zoning ordinance.

It was then moved and supported that the appeal be tabled until further information could be obtained from the Building Inspector in regards to the two family and professional use on the site.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1436

An appeal by William Nakfoor to convert and use a one family dwelling with a lot area of 3460 sq. ft. into a two family dwelling contrary to Section 36-45.(5) of the zoning ordinance at 716 Chicago St. Zoning ordinance requires a two family dwelling to have a lot area of 4,000 sq. ft. in the "C" two family district. The petitioner was present and stated his property is bounded by income property, there is also commercial property on one side. Mr. Furman of Furman Realty stated he had sold the property to Mr. Nakfoor, had checked the zoning and also talked with the building inspector. Letters from Poverello Credit Union and Dr. Ralph Worthington stated something should be done about the parking situation on Englewood Court.

It was moved and supported that the appeal be granted. The Board found this project would definitely be an improvement as the area has been down graded, there is enough parking area for the cars.

Motion carried by the following vote:

Yea: (7).

Nays: None.

The Board discussed the relation of the Planning Director and Staff with the function of the Board.

The meeting adjourned at 8:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, March 11, 1965

March 11, 1965

No. 1428

Lansing, Michigan

It was moved and supported to reconsider the appeal by Clarence T. Fitzpatrick to use a portion of a residence as a barber shop at 400 S. Butler Blvd.

Court Room 1, City Hall

Motion carried by the following vote:

Yea: 7.

Nays: 0.

The Public Hearing was called to order by Chairman John Houston at 7:30 P.M.

ROLL CALL

Present: Messrs. Alfaro, Bennett, Buterfield, Gaus, Houston, Keep and Kelley —7.

Absent: Mr. Jones—1.

Moved and supported that the minutes of the meeting of February 11, 1965, be approved.

Motion carried unanimously.

No. 1427

Attorney Neil McLean requested by letter that the Board reconsider the petition by Arnold Johnson for use of home for sale of antiques when all eight (8) Board Members are present. Mr. Arnold Johnson was present and again asked to be heard. He stated his property taxes have increased and because of health reasons he will be retiring at an earlier age. His wife sells the antiques and he would like to have this continued. He has enough parking for seven cars for customer service. Mr. Johnson also stated his house payments are \$130.00 per month and he is too old to get another job.

It was moved and supported that the appeal be tabled until all eight Board Members are present, as requested by the attorney, Mr. McLean.

Motion carried by the following vote:

Yea: 7.

Nays: 0.

The Board also voted unanimously to obtain a legal opinion from the City Attorney on this matter.

No. 1430

A letter from Attorney Leo Farhat requesting a copy of the staff analysis on the appeal by Louis Fortino pertaining to property located at 888 N. Pennsylvania Avenue.

It was moved and supported that a legal opinion be obtained from the City Attorney on this matter.

No. 1431

It was moved and supported that the Board reconsider the petition by Vance McWhorter, 1601 Wellington Road. A letter was received from the petitioner, also an inter-office communication from Councilman Bradshaw requesting reconsideration by the Board of Appeals concerning this petition, to erect a one-story, one-family dwelling reducing the north front yard from the established setback of 32 ft. to 25 ft. The letter stated that Mr. McWhorter's wife is an invalid and is confined to a wheel chair, the house had been planned for easier movement of the wheel chair. The neighbors do not object, a petition with signatures from the neighbors showing that they had no objection was submitted.

It was moved and supported that the appeal be granted with setback as requested by the petitioner.

Motion carried by the following vote:

Yea: 7.

Nay: 0.

No. 1435

An appeal by Dr. Edward S. Fox to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 3,630 sq. ft. contrary to Section 36-45 (5) of the zoning ordinance in the "C" two family district. Zoning ordinance requires 2,000 sq. ft. of lot area per family in a "C" two family district. The petitioner was present. Mr. Butterfield asked "If this was an addition to the house?" Dr. Fox stated it was not, there would be two apartments. He is no longer living in the dwelling, he now lives in Holt. Mr. Gaus wanted to know "If his offices would still be in the building." Dr. Fox replied that they would be.

Messrs. Fountain and Elbert explained this petition to the Board reading from Section 36-21 of the Zoning Ordinance.

It was moved and supported that the appeal be tabled until further information could be obtained from the Building Inspector in regards to the two family and professional use on the site.

Motion carried by the following vote:

Yea: 7.

Nay: 0.

No. 1436

An appeal by William Nakfoor to convert and use a one family dwelling with a lot area of 3,460 sq. ft. into a two family dwelling contrary to Section 36-45 (5) of the zoning ordinance at 716 Chicago St. Zoning ordinance requires a two family dwelling to have a lot area of 4,000 sq. ft. in the "C" two family district. The petitioner was present and stated his property is bounded by income property, there is also commercial property on one side. Mr. Furman of Furman Realty stated he had sold the property to Mr. Nakfoor, had checked the zoning and also talked with the building inspector. Letters from Poverello Credit Union and Dr. Ralph Worthington stated something should be done about the parking situation on Englewood Court.

It was moved and supported that the appeal be granted. The Board found this project would definitely be an improvement as the area has been down graded, there is enough parking area for the cars.

Motion carried by the following vote:

Yea: 7.

Nay: 0.

The Board discussed the relation of the Planning Director and Staff with the function of the Board.

The meeting adjourned at 8:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, April 29, 1965

ROLL CALL

Present: Messrs, Reniger, Caldwell and Turney—3.

Absent: Messrs, Keenoy and Wyllie—2.

An appeal by Abood and Abood to modify the Uniform Building Code to allow window openings in the east wall of the building located at 117 East Allegan Street. The distance of the building to the property line varies from six inches at the north (rear) corner to 1.15 ft. at the south (front) corner.

Mr. Will Merritt of Frank and Stein, Architects, represented the petitioners.

The Board found that the elimination of some of the existing windows in this wall and the installation of permanent fire windows in the remaining openings would provide adequate protection to the abutting property.

Moved by Mr. Caldwell and supported by Mr. Turney that the appeal be granted provided that these openings shall be blocked in with two-hour fire resistive masonry panels if a building should be erected on the east property line at any time in the future.

Carried by unanimous vote.

An appeal by Mourer, Foster and Chapman to modify the Building Code to exclude toilets and stair enclosure in determining the occupant load of a second floor office occupancy in a building to be erected at 815 North Washington Avenue. Two stairs would be required if the area of the toilets and stair enclosure are included. One stair would be required if this area is excluded.

Mr. Howard E. DeWolf, Architect, represented the petitioner.

The Board considered the type of construction required by the Building Code (Type V, Frame) and the proposed type of construction (Type IV, incombustible) and also the complete isolation of the boiler room.

Moved by Mr. Caldwell and supported by Mr. Turney that the appeal be granted provided that the building is constructed of Type IV or better construction and that the boiler room be isolated with a two-hour fire resistive separation from the rest of the building.

Carried by unanimous vote.

D. J. BUSLEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, May 6, 1965

May 6, 1965

Court Room No. 1

City Hall

Lansing, Michigan

The Public Hearing was called to order by the Vice Chairman Richard Gaus at 7:45 P.M.

ROLL CALL

Present: Messrs. Alfaro, Butterfield, Gaus, Jones, Keep and Kelley—6.

Absent: Messrs. Bennett and Houston—2.

Moved and supported that the minutes of the meeting March 11, 1965 be approved.

Motion carried unanimously.

No. 1437

An appeal by Ray Kilburn to convert an open front porch into a glass enclosed porch extending beyond the established setback line but no further than the present open front porch, contrary to Section 36-44.(4) of the Zoning Ordinance in the "B" one family district at 1542 Knollwood Street. The petitioner was present and stated he also owns the land south of his house. There are two other enclosures in the neighborhood and the setback would be in line with the others along this street. This enclosure would protect the porch from the winter weather. Mrs. Helen Reeves 1556 Roosevelt stated in a letter that she did not object to this enclosure. There were no objections.

Mr. Houston arrived at 7:57 P.M.

It was moved and supported that the appeal be granted under Section 36-12.(6) of the Lansing Zoning Code provided adequate footings as determined by the Building Inspector are constructed. The Board believes this variance will in no way reduce light, air or view to adjacent properties, field inspection shows that many of the open front porches in the area have

been enclosed, and become an integral part of the structure.

Motion carried by the following vote:

Yea: —7.

Nays: None.

No. 1438

An appeal by Beneicke and Krue to erect sign for the purpose of identifying the community center and swimming pool, contrary to Section 36-17.(9) of the Zoning Ordinance in the "A" one family district at 1818 N. Fairview Ave. The petitioner was not present. There were no objections.

It was moved and supported that the appeal be granted subject to the following conditions:

1. That the face of the sign shall not exceed 100 sq. ft.
2. Maximum height shall not exceed 15 ft.
3. Sign shall be situated so as not to obstruct view for traffic on adjacent properties.
4. Only one sign shall be permitted.
5. This variance shall expire one year from date issued, application for consideration of time extension may be made to Appeal Board 60 days prior to expiration date.
6. Illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.
7. Lighting shall not be used after 10:00 P.M. at night.

Motion carried by the following vote:

Yea: —7.

Nays: None.

No. 1439

An appeal by Hiram R. Marple to erect a building reducing the north side yard from the required 4 ft. to 0 ft. and reducing the east rear yard from the required 15 ft. to 9.50 ft. contrary to Section 36-53.(3) and (2) of the Zoning Ordinance in the "H" light industrial district, at 1620 Olds Avenue. The petitioner was present and stated the neighbors had his business confused with Commercial Blue Print Co. which emits ammonia fumes and odors. He stated his operation is quiet, and that he is making photos for Oldsmobile, Division of General Motors Corporation. Mr. Vence Bonham 911 West Street stated he was opposed to this appeal, it is unfortunate that City Council and the Planning Board changed the zoning of this lot. It is also unfortunate that the Council Committee did not answer the letters sent by citizens in the neighborhood. It is unfortunate that some property owner's can only buy in certain neighborhoods and are restricted from others. He requested that the Board not grant this setback. Mrs. Helen Perkins 923 West Street stated she is concerned about the regulation of 4 ft. to 0 ft., and asked why Mr. Marple would buy this lot if it does not conform to the zoning regulations. She opposed the reduction of the side yard from 4 ft. to 0 ft. as it cuts off her view. Mr. Stuart Miller 920 West Street stated he had asked for a reply on this matter from City Council Planning Committee within 10 days and had not received it. Mr. Stuart Nolan 924 West Street stated he had originated the letter to City Council and hoped the Board would give them consideration. Council should have granted them consideration when rezoning. This is our last resort coming here. Mr. Kelley asked if there had been a Planning Board hearing. Mr. Houston explained the procedure of the Planning Board hearing. Mr. Miller stated the property had been rezoned without the people being informed, they received no notification until this variation from the Appeals Board came through the mail. Mr. Nolan asked if the Planning Board would normally recommend rezoning lots in a residential area. Mr. Gaus asked how large the proposed building would be. Mr. Marple answered 66 ft. long 32 ft. to 34 ft. wide. Mrs. Jerusha Bonham 911 West Street stated she was against this appeal, it is hard to believe Mr. Marple has looked for a building other than this site. I hope this is not an imitation of justice as our government has done with other aspects in the past.

It was moved and supported that the appeal be denied. Overcrowding of land by buildings without leaving sufficient open space for light, air and recreation and mixing inharmonious residential and non-residential land uses are two major factors of blight. There appeared to be no hardship in this case, and the approval of this variance as requested would be in the nature of a convenience contrary to Section 36-12.(6) and (7) of the zoning ordinance.

Motion carried by the following vote:

Yea—5.

Nays—2.

No. 1440

An appeal by Mt. Hope Presbyterian Church to erect a church building addition which reduce the rear yard (west) from 25 ft. 0 in. to 10 ft. 0 in. contrary to Section 36-45.(2) of the Zoning Ordinance in the "C" two family district at 712 W. Mt. Hope Avenue. Mr. Robert Adams, Rt. No. 1 Hart Highway, Diamondale, Michigan spoke in behalf of the church, stating the new addition was needed badly. The proposed building would not be set further back than the house, which is a one story structure. There were no objections from the neighbors to this addition.

It was moved and supported that the appeal be granted as the variance will not seriously affect the adjoining property and general welfare. Screening of one of the following to be provided along the West and North line of the property:

1. A 3 ft. high cyclone type fence with dense evergreen plantings of a mature height of 5 ft. or 5 ft. 6 in.
2. A 5 ft. high redwood or cedar louvered fence with boards running perpendicular to the ground.
3. A 5 ft. cyclone type fence with interwoven slats.

except for the established residential setback line on Mt. Hope Ave, and low evergreen plantings be provided along the residential setbacks.

Motion carried by the following vote:

Yea—7.

Nays: None.

No. 1441

An appeal by James Porter to erect an office building to a height of 155 ft. 0 in. with no setbacks from street property lines. A setback of at least 5 ft. 0 in. will be provided on the south and west walls to allow windows in these walls, contrary to Section 36-51.(1) of the Zoning Ordinance in the "C" business district at 300 S. Capitol Ave. The attorney Conway Longson stated Mr. Porter had asked for a height waiver to build 155 ft. in height. He is looking ahead for the future of City of Lansing, this will enhance the beauty of the City. The building requires air conditioning and other healthful additions. It will be a five million dollar, fourteen story building. This enhancement will be working in accord with Urban

Renewal developments. Mr. Frank Lud broker-realtor for the project stated there would be a beautiful modern building constructed here. The existing code is fine for older buildings but not sufficient for the new buildings. This building will have air conditioning, recessed lighting. It does not create a hardship to the adjoining property. The new zoning code allows for conditions such as these. It is necessary to increase the height of the building because of the use of special equipment. Mr. Lud stated they were faced with problems of land use and costs. Taxes, reserves must be set aside \$100,000 per year. Provisions must be made for physical obsolescents of the building. Mr. Davies, architect, presented the plot plans to the Board. He also displayed a thermopane type window with a window blind built into the glass, he explained this blind was adjustable to the solar system. Mr. Jones asked if there would be parking in this building, Mr. Lud explained there was not. There would be retail on the first and second floors. The building would house a barbershop, beauty shop, and coffee shop. There would be approximately 16,000 sq. ft. of rental space. The Board asked about the land cost allocation per sq. ft. Mr. Lud explained the land was not saleable, but costs of \$20.00 to \$21.00 per sq. ft. were assigned. The land has been leased for ninety nine years. Mr. Grimes and Mr. Hacker are in favor of this project and do not object. Manson-Jackson-Kane objected by letter which was read at the previous meeting.

It was moved and supported that the appeal be granted. The Board found that the surrounding properties would not be affected by the lack of light, air and view.

Motion carried by the following vote:

Yeas—7.

Nays: None.

No. 1442

An appeal by George M. and Walter F. Brown, Elva Frick to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 1224.1 sq. ft., contrary to Section 36-47.(5) of the Zoning Ordinance in the "D" apartment district at 223 E. Elm Street. The petitioner was not present. There were no objections. Mrs. Helen Maurer 1017 Cedar St. called and stated she was in favor of the variance.

It was moved and supported that the appeal be granted. The Board thought this variance would not have a detrimental effect on the neighborhood.

Motion lost by the following vote:

Yeas—5.

Nays—2.

It takes (6) votes to grant a variance.

No. 1427

It was moved and supported that Appeal No. 1427 be taken from the table.

Motion carried unanimously.

A tabled appeal by Arnold Johnson to use a home for sale of antiques, contrary to Section 36-21 of the Zoning Ordinance in the "C" two family dwelling district at 1228 N. Washington Ave.

It was moved and supported that the appeal be denied the Board has no further jurisdiction over the matter, as this case is still pending City Council action.

Motion carried by the following vote:

Yeas—7.

Nays: None.

No. 1428

It was moved and supported that Appeal No. 1428 be taken from the table.

Motion carried unanimously.

A tabled appeal by Clarence Fitzpatrick to use a portion of a residence as a barbershop, contrary to Section 36-21 of the Zoning Ordinance in the "C" two family district at 400 S. Butler Blvd.

It was moved and supported that the appeal be denied, the Board has no jurisdiction over the matter as this case was settled by the final action of City Council.

Motion carried by the following vote:

Yeas—7.

Nays: None.

No. 1435

It was moved and supported that Appeal No. 1435 be taken from the table.

Motion carried unanimously.

An appeal by Dr. E. S. Fox to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 3,630 sq. ft. contrary to Section 36-45.(5) of the Zoning Ordinance in the "C" two family district at 902 W. Shiawassee Street.

It was moved and supported that the appeal be denied. The Board found that crowded conditions that prevail in this neighborhood would indicate that minimum lot requirements should be maintained. Parking is at a premium, the demand is increased by the chiropractor's office in this building. The yard along Butler

Street is less than the normal 20 foot normally required by ordinance thus adding to the overcrowding land.

Motion carried by the following vote:

Yea—6.

Nays—1.

Letters in answer to the obtaining of legal opinions of Appeals cases 1427 and 1428 were read by Chairman Houston.

Meeting adjourned at 9:30 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF HOUSING COMMITTEE OF THE CITY OF LANSING

Special Meeting, June 9, 1965

The meeting was called to order by Chairman Minich at 4:10 p.m.

ROLL CALL

Present: Members Carruthers, Delgado, Froh, Granger, Minich, Porter, Patterson, Walker—8.

Ex-Officio Elliott, Folkers, Guernsey, Mateer—4.

Absent: Member Rendon—1.

to hear from Mr. Theodore Veenstra, Assistant Director of Public Housing Programs for this region.

Carried.

Mr. Veenstra described the steps necessary for the adoption of a Public Housing Program.

The first step is the adoption of an ordinance and the appointment of commission members.

The next step would be an application for a preliminary loan. These funds would be used to prepare preliminary architectural and other plans.

This would be followed by an application for Federal funds to finance final plans, site purchases, and actual construction of the housing development.

The City would then be authorized to sell bonds in the amount authorized for the project.

In answer to questions of time, Mr. Veenstra said it would take from two to two and one-half years to complete these steps.

A general discussion of Public Housing followed.

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

REV. CHARLES J. PATTERSON,
Secretary.

It was moved and supported to suspend the rules so as to allow adequate time

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, April 8, 1965

The Public Hearing was called to order by Chairman John Houston at 7:33 P.M.

Because of the absence of Messrs. Bennett, Butterfield and Keep therefore a quorum not present the meeting was recessed after the public hearing until April 29, 1965 at 7:30 P.M.

Present: Messrs. Alfaro, Gaus, Houston, Jones, Kelley—5.

Absent: Messrs. Bennett, Butterfield and Keep—3.

No. 1437

An appeal by Ray Kilburn to convert an open front porch into a glassed enclosed porch extending beyond the established setback line but no further than present open front porch, contrary to Section 36-44.(4) of the Zoning Ordinance in the "B" one family district, at 1542 Knollwood Avenue. The petitioner was present, he stated the enclosure is for the purpose of weather protection. There were two other enclosures in the neighborhood. The setbacks were all the same along this street. There were no objections.

Because of the lack of a quorum no decision was made.

No. 1438

An appeal by Beneicke and Krue to erect a sign 10 ft. 0 in. x 10 ft. 0 in., contrary to Section 36-17.(9) of the Zoning Ordinance, in the "A" one-family district, at 1818 N. Fairview Ave. The petitioner was not present. There were no objections.

Because of the lack of a quorum no decision was made.

No. 1439

An appeal by H. R. Marple to erect a building reducing the north side yard from the required 4 ft. to 0 ft. and reducing the east rear yard from the required 15 ft. to 9.50 ft., contrary to Section 36-5.(3) and (2) of the Zoning Ordinance in the "H" light industrial district at 1620 Olds Ave.

The petitioner was present and stated he was the owner and operator of this business. He has been forced to relocate because of the I-496 highway. He has to have a minimum of 10 ft. for this operation, he has scaled the building down to an absolute minimum. The business consists of photographing cars for Oldsmobile Division of General Motors. Mr. Kelley asked how close this building would be to the adjacent property? Mr. Marple stated he was not sure, but the building would not be unsightly, it would be an asset to the community. There is no traffic flow of customers in and out of the place. There is only one cameraman operating the business, the contracting of business is done away from the studio. Mr. Kelley asked how far to the east the property would be located. Mr. Fountain, staff member answered it would be 15 ft. without the variance. Mr. Vence Bonham 911 West St. stated he was spokesman for a group of people that were present, and against this appeal. A letter was written to the Council Planning Committee asking that the zoning be not changed to industrial, no reply was received from them, then a request was received from the Appeal Board stating Mr. Marple has asked for a variance for a building. The people that live in this neighborhood have tried very hard to keep up the appearance of their homes and the general neighborhood. The homes are in the \$12,000 category, the zoning of light industry has changed this neighborhood. Mr. Bonham also submitted a petition of names of people who are against this project. Mrs. Josephine Tinsley 1715 Olds Ave. stated she did not like the industry in the neighborhood. Today we are thinking of civil rights, but this person has come in and changed the zoning of the neighborhood, which we cannot reckon with. There are people in this neighborhood with children around the ages of 10, this is an injustice to them to have to remember a deteriorating neighborhood they have had to grow up in. Mr. Charles Perkins 923 West St. stated he was against the rezoning, this is one of the better neighborhoods. A variance of 10 ft. to 0 ft. would depreciate the property. His house is appraised at \$4,200. There should not be a building of this type in the neighborhood, Mr. Marple should buy extra property if necessary. Mr. Hudson 1612 Olds Avenue is against this appeal stating there is only 7 ft. from the building to his line.

Mrs. Bonham 911 West St. stated she is against this appeal. Mr. Marple's lot is too small, his building should not come to the lot line. There should be other lots to build on. Mrs. Helen Perkins 923 West St. stated her family lives next door to the Marple property, it is not fair for someone to come in and build to the edge of the line. Mr. Marple stated he has operated this business from 1919-1936 in the basement of his home, there have been no complaints from the neighbors. He has looked for a place to build or a building he can purchase, and could not find anything at the price he wished to pay. His business is small, financially he could not stand additional expenditure for buying additional land.

Because of the lack of a quorum no decision was made.

No. 1440

An appeal by Mt. Hope Presbyterian Church to erect a church building addition which will reduce the rear yard (west) from 25 ft. 0 in. to 10 ft. 0 in., contrary to Section 36-45.(2) of the Zoning Ordinance in the "C" two family district, at 712 W. Mt. Hope Ave. The petitioner was not present. There were no objections.

Because of the lack of a quorum no decision was made.

No. 1441

An appeal by James Porter to erect an office building to a height of 155 ft. 0 in. with no setbacks from street property lines. A setback of at least 5 ft. 0 in. will be provided on the south and west walls to allow windows in these walls, contrary to Section 36-51.(1) of the Zoning Ordinance, in the "G" business district, at 300 S. Capitol Ave. Mr. Frank Ludd broker for Lansing Real Estate Associates stated he wished to present his petition at a later date when a quorum would be present and he could present more information on his case. Mr. Ludd also asked that the letter

from Manson-Jackson-Kane objecting to this project be read for his benefit. The letter was read by the secretary.

No. 1442

An appeal by George M. and Walter Brown and Elva Frick to convert a one family dwelling into a two family dwelling reducing the lot area from the required 4,000 sq. ft. to 1224.1 sq. ft., contrary to Section 36-47.(5) of the Zoning Ordinance in the "D" apartment district at 223 E. Elm St. The petitioner Mr. George Brown was present and stated the apartment was for his mother, his father is deceased, he was ignorant of the zoning code, and has finished this project for his mother. Mr. Brown also stated his mother is living on the premises. Councilman Perrin spoke in favor of the appeal stating he did not live in the area but is a friend of the family. He had known the deceased for a number of years, Mr. Brown had worked in a plant and his retirement check is not sufficient enough to provide for the widow. She needs someone in the house with her as well as the additional income. The children are in no position to supplement her income and circumstances prevent her living with them. There are other lots in the area of this size with two family homes. The Secretary asked if there were any other relatives living in the house. Mr. Brown replied only friends would be living with Mrs. Brown. Mr. Fred Gesse 1006 Clear St. called and stated Mrs. Brown was crippled and he has no objections. Mrs. Lenhart 1031 Clear St. called and stated she did not object. Mrs. Elizabeth Maloney 1106 Platt St. called and objected. She stated there was not enough space for them to park and the people that lived there were parking on her premises, there were cars all around her house at all hours.

Because of a lack of a quorum no decision was made.

The meeting adjourned at 8:10 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, May 13, 1965

The Public Hearing was called to order by the Chairman John Houston at 7:36 P.M.

ROLL CALL

Present: Messrs. Alfaro, Butterfield, Gaus, Houston, Jones, Keep and Kelley—7.

Absent: Mr. Bennett—

No. 1443

An appeal by C & J Commercial Driveaway to erect two 10 ft. 0. additions to two non-conforming buildings, contrary to Section 36-42 of the Zoning Ordinance at 1905 W. Mt. Hope Ave. in the "A" one family residence district. Mr. Lewis J. Heley Jr. represented the firm and stated he had nothing to add, the description for what the company wanted was quite adequate. There were no objections.

It was moved and supported that the appeal be granted.

The Board found:

1. The present use and present site existed prior to the residential development and zoning.
2. Structural problems exist caused by physical limitations of the building in relation to the length of new equipment, as authorized in the State of Michigan, has existing facility was not designed to handle.
3. Use is not to be increased or changed.
4. Surrounding property will have the same safeguards and protections, as before.
5. Spirit and intent of the ordinance is not violated.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

No. 1444

An appeal by Bessie L. Dibble to erect a rear addition reducing the rear yard from the required 30 ft. to 17 ft. contrary to Section 36.44.(2) of the Zoning Ordinance in the "A" one family residence district at 400 LaSalle Blvd. The petitioner's son, Lewis Dibble, was present. There were no objections. A letter from Mrs. Dibble's physician was read explaining the nature of her illness, as she has been crippled since childhood.

It was moved and supported that the appeal be granted.

The Board found that:

1. Unusual conditions exist because of the length and orientation of the lot, which best lend themselves to construction as petitioned for.
2. The variance would not be harmful to adjacent property or the surrounding neighborhood and would alleviate a unique circumstance, not caused by the petitioner.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

No. 1445

An appeal by Dorian and Bethel Eberly to erect an apartment building reducing the south side yard from 18.7 ft. to 12 ft. 4 in. and reducing the front yard from 20.0 ft. to 16.0 ft. contrary to Section 36-47.1 (3) and (4) of the Zoning Ordinance in the "D-1" professional district at 1400 S. Pennsylvania Avenue. The petitioners were present. Attorney Leo Farhat represented the Eberlys. He stated he had written letter to the Board and Mr. E. Brown, staff member called and told him his letter was being considered. He thanked the Board for their consideration. Mr. Farhat explained there would be 24 units of apartments, permitted under this type zoning. One lot is 38 ft. x 115½ ft. the other lot is 129 ft. x 115½, 54 ft. in depth and 123 ft. long. There is no average set-back in the neighbor-

borhood. There would be no interference with this type set-back. There is 135 ft. between proposed apartment building and medical center to the north. There would be no damage to the property at the north. At the south there is a gas station. Mr. Farhat also presented a proposed site plan and layout. He stated the building would be $2\frac{1}{2}$ stories, with windows at the ground level. A group of people from the neighborhood objected to the project. Mr. and Mrs. Bruno Fratzke 1423 Pontiac, Mr. and Mrs. Donald Bennett 1425 Pontiac and Mrs. Violet O. (Pickell) Bledsoe, who own property at 1435 Pontiac St. Mr. Bennett was spokesman for the group, he stated there were forty four children living in the area, the traffic is already creating a problem making it dangerous for the children. He has put a lot of money in his property for home improvements. He did not know the Eberly property was zoned for apartments. He never received any type of notification. Mr. Houston explained to him the procedure of rezoning property. Mr. Gaus asked about the parking spaces. Mr. Farhat stated there would be one for each unit, approximately 27 in all for the 24 apartments leaving two extra spaces. Mrs. June Shepler, 1913 Roberts Lane, owns property in the area and wrote a letter to the Board, objecting to this property variance but later retracted this objection and asked that the letter not be read.

It was moved and supported that the appeal be denied.

Motion lost by the following vote:

Yea: (3).

Nay: (4).

It was then moved and supported that the appeal be granted.

Motion lost by the following vote:

Yea: (4).

Nay: (3).

Appeal failed to carry for lack of votes. Six votes are required to grant a variance. Mr. Houston suggested that the people living in this vicinity contact the traffic engineer to alleviate the traffic problem in this area.

No. 1439

A letter was read by the Chairman from Mr. Marple owner of property at 1620 Olds Ave. requesting a change in setbacks. He is asking that the 15 ft. be changed to 9 ft. and the $26\frac{1}{2}$ ft. which is more than normal be changed to a little less to allow more on the back.

It was moved and supported that the appeal be reconsidered.

This was by unanimous vote.

It was moved and supported that the appeal be granted.

Lost by the following vote:

Yea: (3).

Nay: (4).

Motion to grant the variance failed for reason of insufficient number of votes to approve it.

The Board considered the following when voting on this appeal:

1. Because of the transition to industrial zoning in this area, requirements of the zoning ordinance should be maintained.
2. The Board could see no undue hardship or unusual practical difficulty to the development of this parcel and therefore found the request to be not in the best interest of the community.

Meeting adjourned at 9:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, July 8, 1965

July 8, 1965

Court Room No. 1
City Hall

The Public Hearing was called to order by Vice-Chairman Richard Gaus at 7:51 P.M.

ROLL CALL

Present: Alfaro, Gaus, James, Keep, Kelley, McComb—6.

Absent: Butterfield, Houston—2.

No. 1452

An appeal by Michigan Bell Telephone Company to erect an operating building for telephone repeating equipment, contrary to the requirements of Section 36-17 and 36-5.1 (5) of the Zoning Ordinance located on Doris Street in the "A" One Family Residence District.

Mr. Frank A. Butler, representing Michigan Bell Telephone, stated that the proposed building would be 6 ft. by 8 ft. and 8 ft. in height. The proposed use of the building would house and operate toll cable equipment. He stated that Michigan Bell has maintained a pole mounted repeater apparatus cabinet at this point for the purpose of energizing the existing toll cable. The apparatus is no longer capable of maintaining a satisfactory degree of transmission and must be enlarged by the installation of additional repeater apparatus, which is proposed to be installed in the ground-mounted apparatus building.

Rudolph and Evelyn Soderberg of 500 Doris Street were opposed to the appeal. They wanted assurance that the building would conform to other structures located on Doris Street. Because Doris Street is not yet extended and stops at the East line of Burnett Subdivision, they felt this was in violation of the code pertaining to the access to the property. Mr. Butler stated that there would be an easement from Doris Street at the rear of the lot. Mr. Gaus asked if Bell Telephone would maintain the property and was told that the area is heavily wooded and that the structure would be made of aluminum siding which can be painted.

A letter was received and placed on file from Paul F. and Beverly J. Bailey of 1810 Harvard Blvd., Dayton, Ohio, owners of the adjacent property stated they were not in favor of the erection of the building. If granted, they requested that the building be constructed of brick or such materials which would not be detrimental to the surrounding area and that the grounds be under perpetual maintenance and care.

It was moved and supported that the appeal be granted in accordance with Section 36-12 (4) of the Zoning Ordinance, which permits the erection and use of a building or the use of premises for public utility purposes. The Board does not believe that this proposed structure or proposed use will seriously affect any adjoining property. On the contrary, approval of the appeal will facilitate the operation of a needed public utility and thus, will promote the general welfare.

The Board further recommends that the building be set-back to comply with the established front yards along Doris Street and screening to be provided and maintained along the west property line except for the established residential set-back consisting of dense evergreen plantings of a mature height of 5 ft. to 5 ft. 6 in.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1454

An appeal by Louis J. Kobus to erect an addition to dry cleaners building which will reduce the east side yard from 4 ft. 0 in. to 0 ft. 6 in., contrary to Section 36-50.3 of the Zoning Ordinance in the "A" One Family Residential District at 2824 N. Grand River Avenue.

The petitioner was present and stated that the addition is the only practical way of providing additional room and not reduce the off-street parking area. He stated that the proposed building would be constructed according to the Zoning Code and parking would be provided at the rear of the building.

Henry Paquet of 2822 N. Grand River Avenue stated he was opposed to the addition. He stated that the building is close to his property and there is enough room to build in the back. He said customers block his driveway and there is an odor from the dry cleaners.

It was moved and supported that the appeal be tabled until the Planning Board study of zoning along North Grand River Avenue is completed.

It was moved and supported that the appeal be tabled for 30 days.

Motion carried by the following vote:

Yea: (6).

Nay: None.

No. 1455

An appeal by George W. Abraham to erect an addition to a restaurant and bar to be located in the "J" Parking District and which will reduce the rear yard from 20 ft. 0 in. to 0 ft. 0 in., contrary to Section 36-41.(4) of the Zoning Ordinance at 3602 S. Logan Street. Section 36-41 (4) prohibits the erection of buildings on "J" Parking District.

The petitioner was not present. There were no objections.

It was moved that the appeal be tabled.

It was moved and supported that the appeal be denied. The Board felt that this request is not within the jurisdiction of the Appeals Board, as the Board does not have the power to rezone. The property is now zoned "J" Parking and before the Appeals Board could consider a request of this nature "F" Commercial zoning would be required.

Motion carried by the following vote:

Yea: (6).

Nay: None.

No. 1456

An appeal by Les Foote, Inc., to erect an office building which will reduce the front yard from 20 ft. 0 in. to 0 ft. 0 in., contrary to Section 36-50 (4) of the zoning Ordinance at 1018 S. Washington Avenue.

The petitioner was present and stated that the buildings to the north of this property constitutes 36% of the frontage of the block and are located on the street property line. The balance of the property

in the block is occupied by a used car sales lot and the cars are parked beyond the street property line. It would be an unusual practical difficulty and unnecessary hardship to place this building 20 ft. 0 in. from the street property line. This setback would also lessen the parking facilities of the property. He stated that the offices would be leased to the State of Michigan.

Mr. Gaus asked what the set-back was on the buildings to the north and was told that within three blocks the Manor House set-back is 10 feet. Mr. Jones asked about a two story office building and was told that the cost would be \$200,000 for a two story building. Mr. Keep wanted to know how many people would be working in the building and was told 34-40 people. Mr. McComb asked about the guarantee of how many years the offices would be used by the State of Michigan and was told there was no guarantee.

It was moved and supported that the appeal be tabled pending further discussion and clarification of plans with the developer.

Motion carried by the following vote:

Yea: (6).

Nay: None.

ELECTION OF OFFICERS

Nominations were opened for the office of Chairman:

Motion by Gaus seconded by Keep that Houston be nominated.

Motion by Jones seconded by McComb that Gaus be nominated.

Mr. Gaus withdrew nomination.

Motion by Keep that nominations be closed and unanimous ballot cast for Mr. Houston.

Motion carried unanimously.

Nominations were opened for the office of Vice-Chairman.

Motion by Keep seconded by Gaus that Kelley be nominated Vice-Chairman.

Motion by Jones that nominations be closed and unanimous ballot cast for Mr. Kelley.

Motion carried unanimously.

MINUTES

Minutes of the meeting of April 8 and May 13 were approved.

It was moved that the letter from Tony Nosal be directed to the City Attorney for a legal opinion.

Motion carried by the following vote:

Yea: (6).

Nays: None.

Discussion was held on whether or not to have full board consideration on letters that are referred to the Board of Appeals.

Mr. Kelley stated they would handle each letter as they come up.

It was moved and supported that the letter from Russell Kassouff be placed on file.

Motion carried by the following vote:

Yea: (6).

Nays: None.

Meeting adjourned at 9:10 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF URBAN REDEVELOPMENT BOARD OF THE CITY OF LANSING

Proceedings, August 24, 1965

Tuesday, August 24, 1965

7:30 P.M.

5th Floor Redevelopment Office

City Hall

Lansing, Michigan

The meeting was called to order at 7:30 p.m. by the Chairman, Everett V. Eschbach.

ROLL CALL

Present: Mrs. Hager, Messrs. Eschbach, Hilley, Russell, Ramey, Reynolds—6.

Absent: Griffin and Rosa—2.

The minutes of the July 27, 1965 meeting were unanimously approved.

Mr. Ramey, as Chairman of the Community Renewal Program Coordinating Committee, gave a committee report on action taken recently regarding the hiring of a coordinator. This action was approved by the City Council on August 23, 1965. The R. L. Polk Co. has been approved for the Community Renewal Program, and will be used for block surveys such as provided in the census. Also letters were sent to two economic and two planning consultants concerning the use of their services for the CRP and interviews are scheduled for September 1.

It was moved by Ramey, supported by Reynolds, that the Board of Urban Redevelopment recommend to the City Council that they pass a Resolution authorizing the purchase of 5 parcels identified as 10-2, 10-10, 10-16, 10-18, and 11-1, as shown on the Urban Renewal Property Map, for a cost of \$397,000 and also approve payment to the Urban Renewal Escrow Account of the Michigan Title Company in the amount of \$397,000.

Adopted by the following vote:

Yea: Mrs. Hager, Messrs. Eshbach, Hilley, Russell, Ramey, Reynolds—6.

Nays: None.

It was moved by Hilley, supported by Reynolds, that the Board of Urban Redevelopment recommend to the City Council that they approve payment out of city funds to Mr. Charles Green for the trip made to the Regional Office in Chicago.

Adopted by the following vote:

Yea: Mrs. Hager, Messrs. Eschbach, Hilley, Russell, Ramey, Reynolds—6.

Nays: None.

It was moved by Reynolds, supported by Hilley, that the Board of Urban Redevelopment recommend to the City Council that they approve payment out of city funds for

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, June 10, 1965

June 10, 1965

Court Room No. 1
City Hall
Lansing, Michigan

The Public Hearing was called to order by Chairman John W. Houston, Sr., at 7:44 P.M.

ROLL CALL

Present: Alfaro, Butterfield, Gaus, Houston, Jones, McComb—6.

Absent: Keep and Kelley—2.

Moved and supported that the minutes of the meeting of May 6, 1965 be approved.

Motion carried unanimously.

No. 1446

An appeal by William Stohrer to erect a front addition which will reduce the front yard from 20 ft. 0 in. to 12 ft. 6 in., contrary to Section 36-44.(4) of the Zoning Ordinance in the "B" One Family District located at 1214 S. Holmes Street.

The petitioner was present and stated he had nothing to add. There were no objections.

It was moved and supported that the appeal be denied. Future development along this street should be held to ordinance requirements. Over-building of this neighborhood reduces light, air and view to adjacent properties. The Board recommends that the addition be erected to the north of property as there is adequate room for his project.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1447

An appeal by Olie L. Harmon to alter an enclosed open porch which will reduce

the front yard from 23 ft. 0 in. as established to 19 ft. 0 in. but will not extend beyond the existing open porch, contrary to Section 36-44.(4) of the Zoning Ordinance in the "A" One Family District at 3330 Avalon Street.

The petitioner was present and stated he wished to get the glass in the porch right away. Mrs. Marjorie Russell 3337 Avalon Street stated she did not object to this variance. There were no objections.

It was moved and supported that the appeal be granted provided adequate footings as determined by the Building Inspector are constructed. The Board found this variance would not be a detriment to the surrounding area and that several enclosed porches were located in the neighborhood, on the same side of the street. The appellant needs better protection from adverse weather conditions.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1448

An appeal by Russell Kassouff to erect an addition which will reduce the side yard from 4 ft. 0 in. to 1 ft. 0 in., contrary to Section 36-50.(8) of the Zoning Ordinance in the "F" Commercial District at 334 S. Butler Blvd.

The petitioner was present and displayed a blue print, stating he would like the addition to join the back wall, this would make one straight line on this side of the building. It will house the pressing machines. Mr. Butterfield asked exactly where the present building is located. Mr. Kassouff explained to him the proposed 3 ft. addition in relationship to the existing building. Mr. G. B. Williams of 912 W. Kalamazoo also viewed the plan, but had no comment. There were no objections.

It was moved and supported that the appeal be granted. Discussion regarding the following factors followed: a reduction of the sideyard requirement could reduce the sunlight and air circulation of abut-

ing property to the north. Continually granting variances from restrictions contained in the Zoning Ordinance stimulate blighting conditions into the neighborhood. No particular hardship appeared to exist.

Motion lost by the following vote:

Yea: (4).

Nay: (2).

No. 1449

An appeal by Pearl J. Merchant to enclose existing open porch, which will extend beyond the established building line but not beyond the existing porch line, contrary to Section 36-44.(4) of the Zoning Ordinance in the "B" One Family District at 1224 W. Lenawee Street.

The petitioner was present and stated she had nothing to add. There were no objections.

It was moved and supported that the appeal be granted. The Board required that the petitioner conform to the following: this variance be limited to a glass enclosed porch, providing adequate footing as determined by the Building Inspector is provided.

Motion carried by the following vote:

Yea: (6).

Nay: None.

No. 1451

An appeal by Dorian and Bethel Eberly to erect an apartment building reducing the south side yard from 18.7 ft. to 11.5 ft. and reducing the front yard from 20.0 ft. to 16.0 ft. contrary to Section 36-47.(3) and (4) of the Zoning Ordinance in the "D-1" Professional District in the 1400 Block of South Pennsylvania Avenue.

The petitioners were present. Mr. Leo Farhat, attorney for the Eberly's stated the objections by the Board could have been met at the previous meeting. The public has an interest in the appearance of the building as to how it will better the community. He asked that the setbacks for the front and the back be permitted, and the parking on the front would be minimized. There cannot be any over-building because the zoning classification allows for this type of building. There is sufficient area for parking, with the amount of unit involved. Parking would be the same type used at Arbaugh's lot and the Civic Center lot. The parking space will be 8 ft. in length, 20 ft. in width, we could get one more parking spot on this lot. Mr. Farhat hoped the Board would grant this variance in the interest of the public, if it is not granted, the building can still be erected.

Mr. Donald Bennett of 1425 Pontiac Street stated previously Mr. Farhat needed three extra parking spaces, why only one now. The property is being overcrowded. He would like to have a retainer wall and fence for privacy and to keep people from trespassing on his property. Mr. Terry Massie of 1341 Pontiac reviewed the plans and also stated he would like a retainer wall and fence. Mrs. June Shepler of 1913 Roberts Lane has property next door to the Eberly property and asked if this building would be near the south line. Mr. Farhat stated the building would be away from the north line. Mr. Russell Signs of 1429 Pontiac insisted that a retaining wall be erected, there is a traffic run-way through the property presently.

It was moved and supported that the appeal be granted.

The Board granted this petition subject to the following:

1. A front yard setback of 20 feet being maintained and the two parking spaces along the north property line off Pennsylvania Avenue in the front yard be removed.

2. That a visually solid type fence be constructed around the periphery of the parking area to insure privacy of the neighboring properties.

Motion carried by the following vote:

Yea: (6).

Nay: None.

No. 1452

An appeal by Michigan Bell Telephone Co. to erect an operating building for telephone repeating equipment. Chairman John Houston read a letter from Michigan Bell Telephone asking that this appeal be tabled.

Mr. Edward Lees, representative, spoke in behalf of the appeal and explained the operation of the project. The proposal is south of Northrup Road. The company has had this right-of-way easement since 1928. It is a coo cable (carrier system) that must be energized and maintained. This energizer will be housed in a metal cabinet, green in color, and 6 ft. x 7½ ft. in size and 9 ft. high. This has to be installed on a small portion of land under the cable. It will be located 410 ft. south of the original proposed site. It cannot be installed under ground because of moisture problems. The area in this location is very swampy and heavily wooded and has not been subdivided. There are no plans for subdividing it.

Some of the property owners viewed the plan and objected to the variance.

No. 1453

An appeal by W. J. Kenerson to convert a three family dwelling into a four family apartment building on a lot containing 3750 sq. ft., contrary to Sections 36-46.(5) and 36-25 of the zoning ordinance in the "D-M" multiple dwelling district at 420-422 W. Saginaw St.

The petitioner was present and submitted a brochure to the Board on the status of the building. He stated he had purchased the building from the American Bank and Trust thru the Porter Realty Co. and that the building has a potential for eight apartments. Mr. Kenerson stated the one upstairs apartment could be made into two apartments. He has 6 parking spaces. There are two tenants without cars. One tenant parks in a garage he rents. He has lost money on this project. He has done nothing so far with the seventh apartment and would like to make two apartments out of this one. Mr. Kenerson stated there could be a two bedroom apartment downstairs and a one bedroom upstairs. He has no calls for a three bedroom apartment. The neighborhood has been upgraded with the remodeling of this building. He has painted the exterior charcoal grey and white, the building was in bad condition when he took it over. The upstairs apartments rent for \$75.00, the downstairs apartments rent for \$80.00. There is a standing list of people waiting for vacancies. His clientele is a very high standard of people and the neighbors are good people.

Mr. Fred A. Sawall of 708 N. Chestnut St. lives next door to the building, and stated Mr. Kenerson needs the money and that he had no objections to the project.

Mr. Alfaro asked if more parking space was needed. Mr. Kenerson stated he needs 250 sq. ft. for enough parking space for 8 or 9 cars, with two blind parking spaces. Mr. Butterfield asked if there was one three bedroom apartment. Mr. Kenerson stated when the project is finished there would be a one bedroom apartment upstairs and a two bedroom apartment downstairs. Mr. McComb asked how long do the tenants usually stay. Mr. Kenerson answered he had one eleven year tenant, one nine year tenant and young couples in and out over a 1 to 4 year period, and the rest approximately three years.

It was moved and supported that the appeal be granted. In the discussion the Board considered the following: that the granting of this request would allow an additional unit, and as a result the requirements of the city ordinance for 1,000

sq. ft. of area per dwelling unit could not be met. Insufficient accessible parking spaces are not available on the parcel.

The parcel is located at the intersection of major thoroughfare, and an increase of backing-movements from the drive-way would be a potential traffic hazard.

Motion lost by the following vote:

Yea: (2)

Nay: (4)

No. 1442

It was moved and supported that the appeal by Mrs. Betty Brown, property located at 223 E. Elm St. be reconsidered.

Motion carried unanimously.

Discussion followed.

It was moved, and supported by Butterfield that the appeal be tabled.

Motion carried unanimously.

Additional discussion on the matter was carried on.

It was moved and supported that the appeal be taken from the table.

Motion carried unanimously.

It was moved and supported that the appeal be denied. The Board found the lot size to be insufficient to support a two unit apartment building. Insufficient area is available for off-street parking.

Motion carried by the following vote:

Yea: (5)

Nay: (1)

A letter from Leo Farhat, attorney, to Mayor Max Murningham was read by the secretary and placed on file.

Meeting adjourned at 9:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Special Meeting, July 26, 1965

The Special Meeting was called to order by Chairman John W. Houston, Sr. at 12:10 P.M.

ROLL CALL

Present: Butterfield, Gaus, Houston, Jones, Keep, McComb—6.

Absent: Alfaro, Kelley—2.

It was moved and supported that the Appeal No. 1456 be taken from the table.

No. 1456

A tabled appeal by Les Foote, Inc. to erect an office building which will reduce the front yard from 20 ft. 0 in. to 0 ft. 0 in., contrary to the requirements of Section 36-50 (4) of the Zoning Ordinance in the "F" commercial district at 1018 S. Washington Avenue.

Mr. Harold Balbach, engineer, represented Mr. Les Foote and stated that land behind 1010 S. Washington was to be used for parking for 1018 S. Washington. Mr. McComb asked why storage space couldn't be used for parking because in the future it could be used for more office space. Mr. Foote replied that it couldn't be used for offices without additional cost, and that they are committed to the State of Michigan for parking needs. Mr. Jones asked Mr. Houston what the Planning Board's ideas were and was told that the Board would

favor the request. The Secretary asked what the ratio of parking that is committed to the State of Michigan would be and was told that there would be one parking space for each 380 sq. ft. of office space.

A letter of protest to reduction of the yard requirement, filed by Bruce J. Maguire was read and discussed.

It was moved and supported that the appeal be granted under Section 36-12 (6) of the Zoning Code, with the provision that an occupancy permit not be granted until such time as a minimum of 25 additional parking spaces are provided for this building. The Board found that the buildings presently constructed in this block and the surrounding area are constructed on the front property line. The surrounding property would not be seriously affected nor would the general welfare of the public be harmfully affected.

Motion carried by the following vote:

Yea: (6)

Nays: None.

Meeting adjourned at 12:25 P.M.

RAYMOND C. GUERNSEY,
Secretary.

F/C

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, August 31, 1965

The Public Hearing was called to order by Vice-Chairman C. Bruce Kelley at 7:35 P.M.

ROLL CALL

Present: Alfaro, Gaus, Jones, Keep, Kelley, McComb—6.

Absent: Butterfield, Houston—2.

It was moved and supported that the minutes of June 10, July 8, and July 26 be approved.

Motion carried unanimously.

It was moved and supported that Appeal No. 1454 be taken from the table.

No. 1454

A tabled appeal by Louis J. Kobus to erect an addition to dry cleaners building which will reduce the east side yard from 4 ft. 0 in. to 0 ft. 6 in., contrary to the requirements of Section 36-50 (3) of the Zoning Ordinance in the "F" commercial district at 2824 N. Grand River Avenue.

The petitioner was present and stated commercial uses predominate this block and if it were so zoned, this appeal would not be necessary. The proposed location of this addition is the only practical way of providing needed additional room and not reduce the off-street parking area. There were no objections.

It was moved and supported that the appeal be denied. The Board found that a hardship, as required by the Zoning Ordinance, does not appear to exist and if the adjacent property remains residential the proposed development would have a detrimental effect.

Motion carried by the following vote:

Yea: (5)

Nay: (1)

No. 1457

An appeal by Judson Memorial Baptist Church to erect a church addition reduc-

ing the front yard setback on Vernon Avenue from 28 ft. 3 in., as established, to 20 ft. 0 in., contrary to the requirements of Section 36-44 (4) of the Zoning Ordinance in the "A" one family district at 530 Vernon Avenue.

Mr. Arthur Rapp of 558 E. Greenlawn represented the petitioner and stated this reduction would not affect properties to the west because the building to the west is located 13 ft. 0 in. from the street property line. The first building to the east of this portion of the church is located 90 ft. from the projection.

There were no objections.

It was moved and supported that the appeal be granted under Paragraph 6, Section 36-12, in that the site location of the existing building causes practical difficulties in erecting an addition, and the addition will have no detrimental affect on the surrounding properties.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1458

An appeal by Don Ducharme to erect an 8 apartment dwelling reducing the rear yard from 25 ft. 0 in. to 14 ft. 0 in., contrary to the requirements of Section 36-46 (2) of the Zoning Ordinance in the "D-M" multiple dwelling district at 4116 Alpha St.

A letter signed by adjacent property owners stating that this would act as an additional buffer to continue the present beauty of our surrounding properties, was read by the secretary and placed on file.

The petitioner was not present.

Mr. George Nader, deed holder of property at 4208 Alpha, was opposed to the appeal. He stated he had to comply to the Code when he wanted to build a larger building and felt that it was for the good of the community. He feels that if an eight-family apartment is built parking,

rubbish barrels, etc., will hinder neighborhood.

There were no other objections.

It was moved that the appeal be tabled for vote of all Board members.

Motion received no support.

It was moved and supported by Gaus that the appeal be denied. The Board found it is not in the best interest of the neighborhood and there appears to be no hardship as required by the Code.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

No. 1459

An appeal by Dairyland Managers, Inc. to erect an office building which will lack the 25 ft. 0 in. required rear yard for a distance of 8 ft. 0 in. of the width of the building. Request is made to reduce this portion of the rear yard from 25 ft. 0 in. to 15 ft. 0 in., contrary to the requirements of Section 36-47.1 (2) of the Zoning Ordinance and to erect an office building which will lack 6 required parking spaces on the premises. Two floors of office space requires 16 parking spaces on the lot, 10 spaces are provided on the lot, contrary to the requirements of Section 36-30 of the Zoning Ordinance in the "D-1" professional office district located at 426 S. Walnut Street.

Mr. Lloyd D. Parr, attorney representing Dairyland Managers, Inc., stated that the purpose and intent of the parking regulations will be met by providing 15 additional parking spaces across the street in the Auto-Owners parking lot which they will be leasing. He stated they actually do not need the additional parking as the Insurance company is of the mail order type. He stated that the basement will be used as a warehouse-storage, cafeteria, and mail room.

The purpose and intent of the rear yard requirement will be met in that 65 ft. 0 in. rear yard will be provided for 80% of the building width. On the southwest corner of the property the proposed building will be within 15 ft. of the lot line for approximately 8 ft. of the building. Mr. Parr stated he checked with the Fire Department and was told that 15 ft. clears for fire preventing equipment.

He said the lease made with Auto-Owners is directly across the street. They believe that the parking they have on site is enough to suit their needs but will abide by the Code and lease more parking space. Mr. Kelley asked what if the lease were

terminated and was told that Auto-Owners had no immediate use for the space and that Dairyland needs only 6 parking spaces. Mr. Kelley asked if Dairyland could terminate the lease and was told by Mr. A. L. Forster, local representative of Dairyland Managers, that they would be willing to provide written agreement to provide additional parking either by lease or purchase basis.

Mr. Kelley asked how many people were employed and was told that there were 20 and only half drove. Mr. Forester stated that they have made attempts to purchase property on both sides and have assurances for the future.

Mr. Ed Saler, representing his aunts Mrs. Ray Castle of 411 S. Chestnut and Mrs. Clara O'Neil of 425 S. Chestnut, stated that many residents in the area have not expressed objection to the building. Mr. Theodore Lareau, owner of property at 417 S. Chestnut stated that residents were in favor of the building.

There were no objections.

It was moved and supported that the appeal be granted regarding the backyard variance.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

It was moved and supported that the appeal be denied requesting to alter the parking regulations. The Board felt there was no assurance to the lease.

Motion carried by the following vote:

Yeas: (3)

Nays: (3)

It was then moved to grant the appeal.

Motion carried by the following vote:

Yeas: (3)

Nays: (3)

It was again moved to deny the appeal.

Motion carried by the following vote:

Yeas: (4)

Nays: (2)

Appeal failed to carry for lack of votes. Six votes are required to grant a variance.

No. 1460

An appeal by Michigan National Bank to erect an office building to a height of 142 ft. 0 in. exceeding the permitted height by 22 ft. 0 in., contrary to the requirements of Section 36-51 (1) of the Zoning Ordinance in the "G" business district at 122 W. Allegan Street.

Mr. A. R. Farnsworth, representative of Kenneth C. Black and Associates and architect for Michigan National Bank, was present. He stated that the new addition will tie in with the existing building. Mr. Jones asked how many floors were planned and was told that there were 12 stories proposed. Mr. McComb asked about the materials that will be used and was told that the materials will be the same as the bank. Mr. Farnsworth stated that the Michigan National Tower, the Jack

Tar Hotel, and Stoddard Building are all taller than the proposed building.

There were no objections.

It was moved and supported that the appeal be granted. The Board found that there should be an amendment to the Zoning Code that would allow building to a greater height in the Central Business District. It appears that the request is in harmony with the existing development and would not be detrimental to the District.

Motion carried by the following vote:

Yea: (6)

Nays: None.

Meeting adjourned at 8:55 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, September 9, 1965

The Public Hearing was called to order by Chairman John W. Houston, Sr. at 7:40 P.M.

ROLL CALL

Present: Alfaro, Butterfield, Gaus, Houston, Jones, Kelley, McComb—7.

Absent: Keep—1.

No. 1462

An appeal by Daniel L. Morey to enclose existing open porch which will project beyond the established building line but not beyond the existing open porch, contrary to the requirements of Section 36-44 (4) of the Zoning Ordinance in the "B" one family district at 534 Pacific Avenue. The Zoning Ordinance prohibits building beyond the established building line. This enclosure will project 8 ft. 2 in. beyond the established setback.

The petitioner was not present and there were no objections.

It was moved and supported that the appeal be granted, under Section 36-12 (7) of the Lansing Zoning Code. Construction to comply with Building Inspectors standards. Observation indicates that the enclosed front porches in this area, both screened and glass enclosed, have become an integral part of the residential dwellings. The Board does not believe that the variation will seriously affect any adjoining property or the general welfare, and will be in keeping with the general intent of the Zoning Code.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1463

An appeal by Edgar Worden to enclose existing front porch which will project 7 ft. 3 in. beyond the established building line but not beyond the existing front porch, contrary to the requirements of Section 36-44 (4) of the Zoning Ordinance in the "B" one family district at 522 S. Hayford Avenue. The Zoning Ordinance prohibits building to project beyond the established front yard setback.

tion 36-45 (4) of the Zoning Ordinance in the "C" two family district at 1441 Ada Street. The Zoning Ordinance prohibits buildings to project beyond the established building line.

The petitioner was present and stated the enclosure will make the house warmer during the winter months. There were no objections.

It was moved and supported that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code and comply with the Building Inspectors construction standards.

Observation indicates that many of the open front porches have been either enclosed with screen or glass to become an integral part of the main building, reducing front yard setbacks in the area.

The Board believes that this variation will help to upgrade the property, without seriously affecting the adjoining property or the general welfare and would be in keeping with the general intent of the Zoning Code.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1464

An appeal by Marvin L. Brown to erect an enclosed porch which will project beyond the established building line, reducing the front yard setback by 8 ft. 7 in. contrary to the requirements of Section 36-44 (4) of the Zoning Ordinance in the "B" one family district at 522 S. Hayford Avenue. The Zoning Ordinance prohibits buildings to project beyond the established front yard setback.

The petitioner was not present and there were no objections.

It was moved and supported that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code and comply with the Building Inspectors construction standards. The Board found that the

porch line is quite uniform in this block, and some porches have been enclosed. The age of the neighborhood indicates that conservation measures should be encouraged. A variance, if granted, would reduce the yard as required by ordinance but would not have a detrimental effect on any adjoining property and would have a beneficial effect on the general welfare. This would not block light, air, and view. It is conceivable that this exceeds the convenience clause, in that it will help to stabilize property values in the area.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1465

An appeal by Benicke & Krue to erect two signs containing a face area of 100 sq. ft. each, contrary to the requirements of Section 36-17 of the Zoning Ordinance in the "A" One Family District at the corner of Wood Street and Groesbeck Blvd. The Zoning Ordinance prohibits this type of sign in the "A" one family residence district.

The petitioner was not present and there were no objections.

It was moved and supported that the appeal be granted subject to the following conditions:

1. That the face of the signs shall not exceed 100 sq. ft.
2. Maximum height shall not exceed 15 feet.
3. Signs shall be situated so as not to obstruct view for traffic or adjacent properties.
4. Only one sign on each lot shall be permitted.
5. This variance shall expire one year from date issued, application for consideration of time extension may be made to Appeal Board 60 days prior to expiration date.
6. Illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.
7. Lighting shall not be used after 10:00 p.m. at night.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1466

An appeal by S. A. T. Enterprises to convert a portion of the ground floor of a medical center for a pharmacy occupancy as an accessory use for the convenience of the tenants and the tenants patients, contrary to the requirements of Section 36-26 of the Zoning Ordinance in the "D" apartment district at 701 N. Logan Street. The Zoning Ordinance does not specifically include this occupancy as an accessory use.

Mr. Hannibal S. Abood represented the S. A. T. Enterprises and stated the pharmacy is for the use of the tenants and the tenants patients and is an absolute necessary accessory for a building which will house 30 to 40 doctors. Mr. Kelley asked about the parking for the pharmacy and was told that the doctors could phone for a prescription and the patient could pick it up as they leave the building. Mr. Kelley asked what else would be located on the ground floor and was told that a patients lounge, snack bar, childrens clinic, etc.

Mr. Maxted of 1020 W. Saginaw was present and stated he had no objections. Mr. Ferdinand Berberio of 1114 Rose Court was present and stated he had no objections but wanted to know about the traffic. Mr. Houston stated that this problem was taken up at the Planning Board meeting at the time of rezoning. He stated that there will be more traffic as the building reaches its full capacity and that there are traffic lights in the area.

It was moved and supported that the appeal be granted.

Motion carried by the following vote:

Yea: (6)

Nays: (1)

It was moved and supported that the Board reconsider Appeal No. 1458.

Motion carried unanimously.

No. 1458

An appeal by Don Ducharme to erect an eight apartment dwelling, reducing the rear yard from 25.0 ft. to 14.0 ft. This request is contrary to Section 36-44 of the Zoning Ordinance which requires a 25.0 ft. rear yard in the "D-M" multiple dwelling district at 4116 Alpha Street.

Mr. Don Ducharme was present and stated that Lot No. 86 was zoned "D-M", property across the street was zoned "J" parking, and property to the north, which is being used as one-family residence, is also zoned "D-M" multiple. Mr. Ducharme stated that Mr. George Nader sold his property 3 months ago, and never made a request for an appeal. He stated Jack

Beason owned Mr. Nader's property. Mr. Ducharme stated he was desirous of building a like structure in the future on Lot No. 87 which would face north with the parking area between the two buildings. He also mentioned a letter signed by surrounding property owners who were in favor of the request.

It was moved and supported that the appeal be granted under the stipulation that property to the south is developed in the future to compliment this apartment building.

Motion carried by the following vote:

Yea: (7)

Nays: None.

It was moved by Gaus and supported by Alfaro that the Board reconsider Appeal No. 1459.

Motion carried unanimously.

No. 1459

A letter was received and placed on file from Dairyland Managers, Inc. explaining a substitute plan in regards to the parking variance. The letter stated they are negotiating with Mr. Caryl E. Walker of 412 W. Lenawee for the purchase of his property which abuts 426 S. Walnut Street. After this property has been purchased, enough square footage will be made available to provide 15 parking spaces at that location. A letter was also received from Mr. Caryl E. Walker stating his negotia-

tions with Dairyland for the sale of his property.

It was moved and supported that the appeal be granted provided that additional property is made available for off-street parking.

Motion carried by the following vote:

Yea: (7)

Nays: None

It was moved and supported that Appeal No. 1460 be reconsidered.

Motion carried unanimously.

No. 1460

An appeal from Michigan National Bank requesting a waiver of height restrictions by adding 8 additional feet to the 142 feet, granted by the Board, August 31, 1965.

It was moved and supported that the appeal be granted.

Motion carried by the following vote:

Yea: (7)

Nays: None.

Meeting adjourned at 8:25 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, October 14, 1965

The Public Hearing was called to order by Chairman John W. Houston, Sr. at 7:35 P.M.

ROLL CALL

Present: Butterfield, Gaus, Houston, Keep, Kelley, McComb—6.

Absent: Alfaro, Jones—2.

No. 1467

An appeal by Capitol Park Motor Hotel to erect two identification signs which would be contrary to Section 36-31 of the Zoning Ordinance in that signs in the "D-1" professional district are limited to one non-illuminated sign not to exceed six square feet in area. The property is located in the 500 block of South Capitol Avenue.

The petitioner was not present.

Mr. Robert Schroeder of Universal Sign Company stated his company would erect the signs. He stated his company erected the present signs about two years ago.

Mr. Houston asked how he planned to build the signs and was told that they could comply with the city ordinance and will be made in Detroit.

There were no objections.

It was moved and supported that the appeal be granted under Section 36-12 (7). It is found that the "D-1" district imposes an unusual practical difficulty regarding sign requirements. This appeal is granted subject to the following conditions:

1. The area of each sign shall not exceed 70 square feet.
2. Maximum height of the sign shall not exceed 40 feet.
3. There shall be only two signs allowed replacing those that now exist on the site. The new signs to be located as shown on the plans submitted.
4. With the granting of this appeal, it will be understood that the existing sign will be removed and Appeal No. 1314 will be void.

5. No sign shall extend beyond or over the lot lines of the lot on which erected.
6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1469

An appeal by Delbert E. Robinson to erect a vestibule enclosure which will reduce the established setback from 11 ft. 7 in. to 9 ft. 2 in., a reduction of 2 ft. 5 in., which is contrary to Section 36-44 of the Zoning Ordinance in the "B" one family district at 517 S. Clemens Avenue.

The petitioner was present and stated that the vestibule is the only enclosure.

There were no objections.

It was moved and supported that the appeal be granted to enclose a vestibule 7 ft. x 5 ft. x 4 ft. x 5 ft. 6 in. under the authority of Section 36-12 (7) providing adequate footing as determined by the Building Inspector is provided, to relieve a practical difficulty as it will not adversely effect the surround properties.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1470

An appeal by William Dexterhouse to erect a 14 ft. x 16 ft. addition to the owners living room, in a building which contains 3 living units and is legally non-conforming which is contrary to Section 36-42 of the Zoning Ordinance in the "A" one family district at 2432 E. Cavanaugh Road.

The petitioner was present and stated that the neighbors do not have any objection to the addition. Mr. Dexterhouse stated that the addition will be 200 feet from the lot line and there will be trees around the addition. It will conform to the rest of the house and will be strictly for his own use.

Mr. Ben Morton, who will build the addition, stated that the house was used as an apartment previous to annexation. The addition is not for rental purposes. The area is run down and he feels that the addition will do no harm.

There were no objections.

It was moved and supported that the appeal be granted. Mr. Kelley stated that the Board could grant variances to a non-conforming building (Section 36-12 (5) from the Zoning Ordinance) and that the Board has no jurisdiction to rezone.

Motion carried by the following vote:

Yea: (6)

Nays: None

No. 1471

An appeal by Lyle V. Harrington to enclose the existing front porch with glass which will reduce front yard from 23 ft. 6 in. to 22 ft. 10 in. a variation of 8 in. which is contrary to Section 36-45 of the Zoning Ordinance in the "C" two family district at 1413 Ada Street.

The petitioner was present and stated he wanted to put in aluminum storm windows, and glass in the front porch.

It was moved and supported that the appeal be granted under the authority of Section 36-12 (7) providing adequate footing as determined by the Building In-

spector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding properties.

Motion carried by the following vote:

Yea: (6)

Nays: None.

No. 1472

An appeal by L. V. Sprague to erect a multiple dwelling which will reduce the front yard from 20 ft. 0 in. to 10 ft. 0 in. which is contrary to Section 36-46 of the Zoning Ordinance in the "D-M" multiple dwelling district at 4200 S. Pennsylvania Avenue.

The petitioner was present and stated he was appealing to make better parking facility in the rear of the building and improve the neighborhood with shrubs and trees then to make parking along the side of the building.

Mr. Stokey, representing the New England Mutual Life Insurance Company who owns service station to the south feels that the encroachment will deter from station regarding visibility. He feels that a side lot variance could be worked out instead of a front lot variance.

It was moved and supported by Gaus that the appeal be denied. It was found that 1) a hardship does not exist in this case and is so prohibited under section 36-12 (7), 2) It was commented that the gasoline line service station has been closed for some time.

Motion carried by the following vote:

Yea: (6)

Nays: None.

No. 1473

An appeal by Howard and Reva Marsh to erect a side addition which is contrary to Section 36-44 (3) of the Zoning Ordinance in the "A" one family district at 4106 Glenwood Avenue.

A representative stated that there are 3 connecting lots each 45 ft. wide, all owned by the petitioner. He stated that they were adding another bedroom.

There were no objections.

It was moved and supported that the appeal be granted under Paragraph (6), Section 36-12 providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding properties, in that the 125 ft. frontage creates a practical difficulty due to the irregular lot and the variation will not seriously affect any adjoining property.

Motion carried by the following vote:

Yea: (6)

Nays: None.

No. 1474

An appeal by Doctors Sharp, Johnson and Sheets to erect medical office which will reduce the rear yard from 25 ft. 0 in. to 10 ft. 0 in. in the "F-1" commercial district at 1323 E. Michigan Avenue.

Mr. Malcolm Williams of the Warren Holmes Company, architects, represented petitioners asked that this petition be approved in order to provide better parking in the front. They had designed the building to be close to Michigan Ave. but this created a traffic problem due to a narrow driveway. The petitioners will have easy access from Mich. Ave. and Ferguson St. with the co-operation of the adjoining clinic.

Mr. Keep asked what the 10 feet behind the building was to be used for and was told that there were two windows at the rear and they would like to have a pleasant view and there was access to the basement.

Mr. Lester Parker, of 413 S. Holmes Street stated it is not advisable to grant a variance if the property does not meet the requirements of the zoning ordinance regarding parking.

Mr. Williams pointed out that their first design had only 12 parking spaces but have added two more by building toward the back of the lot.

Mr. Parker stated that 14 parking spaces for three doctors would not be very many.

There were no other objections.

It was moved and supported that the appeal be denied in that there is over-crowding of land which would be detrimental to the surrounding property.

Motion failed by the following vote:

Yea: (3)

Nays: (3)

It was moved and supported that the appeal be granted. It was brought out that the neighbors did not object to the use of the property.

Motion carried by the following vote:

Yea: (5)

Nays: (1)

Motion to grant the variance failed for reason of insufficient number of votes.

No. 1475

An appeal by William C. Nicholson to enclose existing porch which will reduce the established front yard setback from 27 ft. 5 in. to 19 ft. 5 in. from the sidewalk, but will not project beyond the existing open porch in the "B" one family district at 816 Buffalo Street.

The petitioner was not present.

There were no objections.

It was moved and supported that the appeal be granted providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding properties. Construction is to comply with the Building Inspector standards.

Motion carried by the following vote:

Yea: (6)

Nays: None.

Meeting adjourned at 8:24 P.M.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, October 14, 1965

The Public Hearing was called to order by Chairman John W. Houston, Sr. at 7:35 P.M.

ROLL CALL

Present: Butterfield, Gaus, Houston, Keep, Kelley, McComb—6.

Absent: Alfaro, Jones—2.

No. 1467

An appeal by Capitol Park Motor Hotel to erect two identification signs which would be contrary to Section 3631 of the Zoning Ordinance in that signs in the "D-1" professional district are limited to one non-illuminated sign not to exceed six square feet in area. The property is located in the 500 block of South Capitol Avenue.

The petitioner was not present.

Mr. Robert Schroeder of Universal Sign Company stated his company would erect the signs. He stated his company erected the present signs about two years ago.

Mr. Houston asked how he planned to build the signs and was told that they could comply with the city ordinance and will be made in Detroit.

There were no objections.

It was moved and supported that the appeal be granted under Section 36-12 (7). It is found that the "D-1" district imposes an unusual practical difficulty regarding sign requirements.

This appeal is granted subject to the following conditions:

1. The area of each sign shall not exceed 70 square feet.
2. Maximum height of the sign shall not exceed 40 feet.
3. There shall be only two signs allowed replacing those that now exist on the site. The new signs to be located as shown on the plans submitted.

4. With the granting of this appeal, it will be understood that the existing sign will be removed and Appeal No. 1314 will be void.
5. No sign shall extend beyond or over the lot lines of the lot on which erected.
6. Illumination shall be neither flashing or intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1469

An appeal by Delbert E. Robinson to erect a vestibule enclosure which will reduce the established setback from 11 ft. 7 in. to 9 ft. 2 in., a reduction of 2 ft. 5 in., which is contrary to Section 36-44 of the Zoning Ordinance in the "B" one family district at 517 S. Clemens Avenue.

The petitioner was present and stated that the vestibule is the only enclosure.

There were no objections.

It was moved by Gaus and supported by Keep that the appeal be granted to enclose a vestibule 7 ft. x 5 ft. x 4 ft. x 5 ft. 6 in. under the authority of Section 36-12 (7) providing adequate footing as determined by the Building Inspector is provided, to relieve a practical difficulty as it will not adversely effect the surrounding properties.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1470

An appeal by William Dexterhouse to erect a 14 ft. x 16 ft. addition to the own-

ers living room, in a building which contains 3 living units and is legally non-conforming which is contrary to Section 36-42 of the Zoning Ordinance in the "A" one family district at 2432 E. Cavanaugh Road.

The petitioner was present and stated that the neighbors do not have any objection to the addition. Mr. Dexterhouse stated that the addition will be 200 feet from the lot line and there will be trees around the addition. It will conform to the rest of the house and will be strictly for his own use.

Mr. Ben Morton, who will build the addition, stated that the house was used as an apartment previous to annexation. The addition is not for rental purposes. The area is run down and he feels that the addition will do no harm.

There were no objections.

It was moved by Gaus and supported by Keep that the appeal be granted. Mr. Kelley stated that the Board could grant variances to a non-conforming building (Section 36-12 (5) from the Zoning Ordinance) and that the Board has no jurisdiction to rezone.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1471

An appeal by Lyle V. Harrington to enclose the existing front porch with glass which will reduce front yard from 23 ft. 6 in. to 22 ft. 10 in. a variation of 8 in. which is contrary to Section 36-45 of the Zoning Ordinance in the "C" two family district at 1418 Ada Street.

The petitioner was present and stated he wanted to put in aluminum storm windows, and glass in the front porch.

It was moved by Gaus and supported by Butterfield that the appeal be granted under the authority of Section 36-12 (7) providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding properties.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1472

An appeal by L. V. Sprague to erect a multiple dwelling which will reduce the

front yard from 20 ft. 0 in. to 10 ft. 0 in. which is contrary to Section 36-46 of the Zoning Ordinance in the "D-M" multiple dwelling district at 4200 S. Pennsylvania Avenue.

The petitioner was present and stated he was appealing to make better parking facility in the rear of the building and improve the neighborhood with shrubs and trees then to make parking along the side of the building.

Mr. Stokey, representing the New England Mutual Life Insurance, Company who owns service station to the south feels that the encroachment will deter from station regarding visibility. He feels that a side lot variance could be worked out instead of a front lot variance.

It was moved by Keep and supported by Gaus that the appeal be denied. It was found that 1.) a hardship does not exist in this case and is so prohibited under section 36-12 (7), 2.) It was commented that the gasoline service station has been closed for some time.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1473

An appeal by Howard and Reva Marsh to erect a side addition which is contrary to Section 36-44 (3) of the Zoning Ordinance in the "A" one family district at 4106 Glenwood Avenue.

A representative stated that there are 3 connecting lots each 45 ft. wide, all owned by the petitioner. He stated that they were adding another bedroom.

There were no objections.

It was moved by Keep and supported by Butterfield that the appeal be granted under Paragraph (6), Section 36-12 providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding properties, in that the 125 ft. frontage creates a practical difficulty due to the Irregular lot and the variation will not seriously affect any adjoining property.

Motion carried by the following vote:

Yea: (6)

Nay: None.

No. 1474

An appeal by Doctors Sharp, Johnson and Sheets to erect medical office which

will reduce the rear yard from 25 ft. 0 in. to 10 ft. 0 in. in the "F-1" commercial district at 1323 E. Michigan Avenue.

Mr. Malcolm Williams of the Warren Holmes Company, architects, represented petitioners asked that this petition be approved in order to provide better parking in the front. They had designed the building to be close to Michigan Ave. but this created a traffic problem due to a narrow driveway. The petitioners will have easy access from Mich. Ave. and Ferguson St. with the co-operation of the adjoining clinic.

Mr. Keep asked what the 10 feet behind the building was to be used for and was told that there were two windows at the rear and they would like to have a pleasant view and there was access to the basement.

Mr. Lester Parker, of 413 S. Holmes Street stated it is not advisable to grant a variance if the property does not meet the requirements of the zoning ordinance regarding parking.

Mr. Williams pointed out that their first design had only 12 parking spaces but have added two more by building toward the back of the lot.

Mr. Parker stated that 14 parking spaces for three doctors would not be very many.

There were no other objections.

It was moved by Butterfield and supported by Keep that the appeal be denied in that there is over-crowding of land which would be detrimental to the surrounding property.

Motion failed by the following vote:

Yea: (3)

Nay: (3)

It was moved by Kelley and supported by McComb that the appeal be granted. It was brought out that the neighbors did not object to the use of the property.

Motion carried by the following vote:

Yea: (5)

Nay: (1)

Motion to grant the variance failed for reason of insufficient number of votes.

No. 1475

An appeal by Williams C. Nicholson to enclose existing porch which will reduce the established front yard setback from 27 ft. 5 in. to 19 ft. 5 in. from the sidewalk, but will not project beyond the existing open porch in the "B" one family district at 816 Buffalo Street.

The petitioner was not present.

There were no objections.

It was moved by Gaus and supported by Keep that the appeal be granted providing adequate footing as determined by the Building Inspector is provided, under (6) Section 36-12 of the Lansing Zoning Ordinance to relieve a practical difficulty as it will not adversely effect the surrounding properties. Construction is to comply with the Building Inspector Standards.

Motion carried by the following vote:

Yea: (6)

Nay: None.

Meeting adjourned at 8:24 P.M.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, November 18, 1965

The Public Hearing was called to order by Chairman John W. Houston, Sr. at 7:30 P.M.

ROLL CALL

Present: Alfaro, Houston, Jones, Keep, Kelley, McComb—6.

Absent: Butterfield, Gaus—2.

No. 1476

An appeal by J. B. Grammatico to erect a two family dwelling on a corner lot on which the required rear yard will be parallel with the frontage with the most frontage, rather than parallel with the frontage with the least dimension, contrary to Section 36-1 (46) of the Zoning Ordinance in the "A" One Family District at 2505-2507 Waverly Road.

The petitioner was present and stated that due to the location on Waverly Road and Cooley Drive, if he built the house according to stipulations there would be a poor view.

Mr. Van Duzer of 3714 Cooley Drive, representing himself and other residents of Cooley Drive, which could not be present at this time, but would like to voice their opinions in protest. The people who live in single family residences on Cooley Drive should be protected from having to look at someone's back yard instead of being able to have a lovely view of the river. The basement has already been put in and lumber was brought in on November 18, 1965.

Mr. Grammatico stated that Mr. Van Duzer must have obtained false information for there should be adequate zoning on property which allows a man to face his house any way he feels he would like it. There will be no garbage cans or other refuse in the back of the house so that the neighbors will not have anything of that type to look at. He also stated that none of the neighbors have said anything to him.

Mr. Gaus arrived at 7:45 P.M.

Mr. Van Duzer then stated that the builder intended to build the house to face the river but in so doing the rest of the people will have to look at a back yard. He also stated that if the Board would call a postponement of this case he could produce a petition with 100% participation from the neighbors against the building of this house facing the river.

It was moved and seconded that the variance be granted on the property at 2505-2507 Waverly Road. The appeal should be granted under Section 36-12 (7) of the Lansing Zoning Code.

Motion carried by the following vote:

Yea: (7)

Nay: None.

No. 1477

An appeal by Faith Baptist Church to erect a rear addition which will reduce the rear yard to 9 ft. 3 in. contrary to Section 36-45 (2) of the Zoning Ordinance in the "C" two family district at 522 W. Maple Street.

Rev. Paul Aardsma of 1114 W. Ionia Street spoke in behalf of the Faith Baptist Church. He stated that they were not going to enlarge the auditorium, but the office space would be enlarged and also the baptistry. The building would be the same and would just provide space but would have nothing to do with an increase in attendance.

Mrs. Bautel, of 2910 Turner Street stated that she was very surprised when she received this notice. She had agreed to sell her property to the church when she decided to sell. If the church would come in line with the stores she would have no objection.

Rev. Aardsma then added that it would only extend 2 ft. 1 in. beyond the stores.

The motion was made and seconded that the appeal be denied because the Board does not believe that hardships exist in this case and would:

1. Lead to overcrowding of the parcel of land reducing light, air and view to adjacent properties.
2. Allow expansion of a use, that requires off-street parking, and does not have adequate provision at present.

The Board recommends that the appeal be denied under Section 36-12 (7) of the Lansing Zoning Code.

Motion failed by the following vote:

Yea: (4)

Nay: (3)

Motion failed by insufficient number of votes.

Motion was made and seconded that the appeal be granted.

Motion failed by the following vote:

Yea: (3)

Nay: (4)

Petition failed by insufficient number of votes:

The petition was therefore denied.

It was moved and supported that the minutes of August 31, September 9, 1965 be approved.

No. 1474

An appeal by Doctors Sharp, Johnson and Sheets to erect a medical office which will reduce the rear yard from 25 ft. 0 in.

to 10 ft. 0 in. in the "F-1" Commercial District at 1323 E. Michigan Avenue.

Mr. Malcolm Williams of the Warren Holmes Company, architects, represented petitioners and asked that this petition be approved in order to provide better parking arrangement. They had designed the building to be close to Michigan Avenue but this created a traffic problem due to a narrow driveway. The petitioners will have easy access from Michigan Avenue and Ferguson Street with the co-operation of the adjoining clinic which is owned by Dr. Shapiro.

Dr. Shapiro was present and stated that he did not receive a notice of this meeting and at this time he did not know whether he was for or against this petition.

It was moved and seconded that the appeal be put on next month's agenda.

There was discussion on policy regarding time limit for rehearing of Board of Appeal Applications. As stated in *Laws Relating to Planning State of Michigan, 1959, Chapter 11, Act (122) 125.585, (d)*, "The decision of such board shall not become final until the expiration of 5 days from the date of entry of such order, unless the board shall find the immediate effect of such order, is necessary for the preservation of property or personal rights and shall so certify on the record.

It was stated that from another case an exception was made when there was an error through the procedures of the board.

Meeting adjourned at 8:45 P.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, December 9, 1965

The Public Hearing was called to order by Chairman John W. Houston, Sr. at 7:30 P.M.

ROLL CALL

Present: Alfaro, Gaus, Houston, Jones, Kelley, McComb—6.

Absent: Butterfield, Keep—2.

No. 1478

An appeal by Wilhelmena Cantly to glass in existing front porch which will reduce the front yard from 21 ft. 2 in., as established, to 13 ft. 0 in., contrary to the requirements of Section 36-12 (7) of the Zoning Ordinance in the "B" one family district at 1128 Theodore Street.

Mr. Robert Brunson of 1623 W. Main Street represented the petitioner and stated that she is an elderly woman and would like to enclose porch to relieve her of the work involved in removing snow and dirt.

There were no objections.

It was moved and supported that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Ordinance. The Board believes that this variance will not seriously affect the adjoining property or the general welfare, providing adequate footings as determined by the Building Inspector are provided.

Mr. Keep arrived at 7:35 P.M.

Motion carried by the following vote:

Yea: (7)

Nays: None.

No. 1481

An appeal by George P. Spiris to erect a canopy in front of drive-in restaurant reducing the front yard setback from 12 ft. 0 in. to 0 ft. 0 in., contrary to Section 36-50 (4) of the Zoning Ordinance in that Section 36-50 (4) requires a 12 ft. 0 in.

setback from a street property line to an open porch in the "F" commercial district at 3121 South Cedar St.

The petitioner was present and represented John's Drive-In. He stated canopy will beautify the neighborhood.

Mr. McComb asked if he was familiar with what was existing there at the present time and that not long ago there was no canopy and now there is one. Mr. Spiris stated that they had a permit to go out 50 feet and will not complete work until appeal is granted. He stated that they are spending a lot of money in rejuvenating this property.

There were no objections.

It was moved and supported that the appeal be granted. It was brought out that the State Highway Department owns property for future widening of Cedar St.

Motion carried by the following vote:

Yea: (7)

Nays: None

No. 1482

An appeal by Lansing Community College to erect school buildings which will encroach into required front yards as follows: Shiawassee St.—reduced from 20 ft. 0 in. to 10 ft. 0 in.; Genesee St.—reduced from 20 ft. 0 in. to 5 ft. 0 in., and Capitol Ave.—reduced from 20 ft. 0 in. to 10 ft. 0 in.; contrary to Section 36-47 (4) of the Zoning Ordinance in Section 36-47 (4) requires a front yard setback of 20 ft. 0 in. from all street lot lines in the "D" apartment district at 419 N. Capitol Avenue.

The Secretary read a letter from Community College stating the reasons for the new buildings. Mr. Frank Benedict from Community College was present also from Warren Holmes Co., architects, Mr. Clark Harris and Mr. Delphin Budzynski.

Mr. Kelley asked why they have to build lecture hall close to Shiawassee St. and was told they tried to compress structure and still leave corridor space between main building and new structure. If they re-

duced the size of the lecture hall they would defeat the purpose of it. Mr. Kelley asked why they need the long corridor and Mr. Benedict indicated Fire Marshall requirements. Mr. Budzynski stated that they are planning a small court yard of about 20 ft. which would be primarily for open space and appearance. Mr. Kelley remarked there seems to be a lot of room on Capitol and wondered why they would have to reduce their setback as there are no buildings there. He further asked why they need the variance and was told they would use the buildings as office and lecture halls. Mr. Benedict stated that they have a very high density, they do not want to increase it appreciatively, and what an open center core. Mr. Kelley asked if they would ever build another building in the middle area and was informed they will not.

Mr. McComb asked how many were on the faculty at the present time and was told that there were 102 on the full-time professional staff and about 58 on the part-time staff.

Mr. McComb asked about the space being used for 30 new faculty members and was told the new space will alleviate faculty office problems. They are presently using the old city library. The Fire Marshall has asked them to remove offices in the main building as they are not completely fireproof. The three portable units in the parking lot would be removed with the change.

Mr. Edward Assid, owner of the property at 508 Seymour, stated he was not against petition but stated he wanted the same privilege. He stated he wanted to put in a driveway on Genesee St. and said the Public Service owned the first six feet and that his car door would open on their property. He stated that if he had to cut the grass and keep the property up, he would want the same privilege.

It was moved by Alfaro and supported by Gaus that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code in that a reduction of the required front yard on Shiawassee St. from 20 ft. 0 in. to 5 ft. 0 in. to accommodate the proposed lecture room only and a reduction of the required front yard on Genesee St. from 20 ft. 0 in. to 5 ft. 0 in. to accommodate the proposed science lab building only.

In the discussion that followed it was brought out that the existing building will not last forever and would be senseless to put more money into it. The Secretary stated they are planning to put approximately 2 million dollars into the present de-

velopment. They will lose federal funds if they do not start construction within the next year. The building could not be condemned by urban renewal because the foundation is sound. If they are required to construct a two story building it will not be ready by next fall to house 400 new students.

It was moved and supported that the appeal be tabled until they can arrange for a special meeting in which the Board can discuss fire lanes between the buildings and any restriction on federal funds.

Motion carried by the following vote:

Yea (7)

Nays: None.

A letter received and filed from Malcolm M. Williams from Warren Holmes Co., architects, for Drs. Sharp, Johnson and Sheets regarding appeal No. 1474, 1828 E. Michigan Avenue requesting that the appeal be canceled.

It was moved and supported that the appeal be denied and stickeen from the records.

Motion carried by unanimous vote.

A letter was received and filed from Mr. Don Ducharme regarding appeal No. 1458. In the discussion that followed it was brought out that the first appeal filed by Mr. Ducharme requested a variance on Lot 86 only. The minutes stated that the appeal be granted under the stipulation that property to the south is developed in the future to complement this apartment building. Mr. Kelley stated that it would not be legal to grant building on another lot without notifying surrounding property owners. Mr. McComb stated that the Board did not explain to him that he would have to go through the same procedures. Mr. Houston suggested a letter sent to him that action by the Board would be necessary to permit building another building.

It was moved and supported that the minutes of October 14 be approved.

Motion carried unanimously.

Meeting adjourned at 8:20 P. M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Special Meeting, December 13, 1965

The Special meeting was called at 10:05 A.M.

ROLL CALL

Present: Gaus, Jones, Keep, McComb—4.

Absent: Alfaro, Butterfield, Houston, Kelley—4.

No. 1482

A tabled appeal by the Lansing Community College to erect school buildings which will encroach into required front yards as follows: Shiawassee St.—reduced from 20 ft. 0 in. to 5 ft. 0 in.; Capitol Ave.—reduced from 20 ft. 0 in. to 10 ft. 0 in.; Genesee St.—reduced from 20 ft. 0 in. to 5 ft. 0 in., contrary to Section 36-47 (4) of the Zoning Ordinance in that Section 36-47 (4) requires a front yard setback of 20 ft. 0 in. from all street lot lines in the "D" apartment district at 419 N. Capitol Avenue.

Present were Mr. Frank Benedict of Community College and Mr. Budzynski of Warren Holmes Co., architects.

The purpose of the meeting was to discuss the use of fire lanes between the science laboratory and lecture rooms and the availability and time factor on federal funds.

Mr. Benedict explained the room setup in the science laboratory. He stated they operate on a unit system, in that most students go to only one building. They try to get students, instructors and friends into one building to eliminate traffic in other parts of the building. He stated each laboratory (4) will accommodate 500 students, and they need 1200 sq. ft. for each lab. Mr. Jones asked if property were available across the street, would they build in this manner, and was told they would not.

Mr. Budzynski explained that they are planning on internal campus. Mr. McComb asked if properties were not tied up in court for purchase would they build like this. Mr. Benedict explained that to accommodate students they have accepted that the present building will be used for many years. They are making every effort to bring building up to standard and are spending 2 1/2 million dollars to beautify building.

Mr. Benedict explained that by building 3 new buildings and rejuvenating the present one they hope to save 3 1/2 to 4 million dollars in a period of 15 years. They estimate 5 1/2 million dollars for each structure. They will cut down and have only 2000 students but expect 4000. He stated an over-crowded school is not practical and not wise.

Mr. Jones asked about the possibility of a high rise structure. Mr. Benedict explained that a building of that type would not be ready for use by next September.

Mr. Keep asked about razing the old structure. Mr. Benedict stated that there was no action by the Board of Education or the Board of Trustees. At one time there was talk about tearing down the old library. The present building is still in good shape.

Mr. McComb asked what would happen if it ever came to tear down the old building. Mr. Benedict stated they are hoping to acquire the Bell Telephone Building. Their proposed building plans indicate that this problem of building for additional students will not arise again.

Mr. Gaus asked about the federal aid program and Mr. Benedict explained that each new project requires application approval by the HHFA in Chicago.

Mr. Jones asked about setback for faculty offices and was told that they would lose a total of 4 offices. Mr. Benedict stated when completed they will have 55 acres including land along river for 8000 students.

Mr. Keep asked about building out of the downtown area and was informed that it would cost more—power plant, utilities, roads, parking facilities, etc.

The Secretary explained that most of the surrounding property is in the Urban Renewal Project, which includes existing multiple dwellings, town houses, a future parking ramp, and proposed commercial developments.

Mr. Benedict explained that bringing a college town of 8000 people into Lansing would allow most students to buy merchandise in the downtown area.

Meeting adjourned at 10:45 A.M.

RAYMOND C. GUERNSEY,
Secretary.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Special Meeting, December 15, 1965

The special meeting was called to order by Chairman John W. Houston, Sr. at 7:00 A.M.

ROLL CALL

Present: Alfaro, Butterfield, Gaus, Houston, Jones, Kelley, McComb—7.

Absent: Keep—1.

No. 1482

An appeal by Lansing Community College to erect school buildings which will encroach into required front yard as follows: Shiawassee St.—reduced from 20 ft. 0 in. to 5 ft. 0 in.; Capitol Ave.—reduced from 20 ft. 0 in. to 10 ft. 0 in.; Genesee St.—reduced from 20 ft. 0 in. to 5 ft. 0 in. contrary to Section 36-47 (4) of the Zoning Ordinance in that Section 36-47 (4) requires a front yard setback of 20 ft. 0 in. from all street lot lines in the "D" apartment district at 419 N. Capitol Avenue.

It was moved and supported that the appeal as filed be denied and that the following be granted under section 36-12 (7) of the Lansing Zoning Code:

1. A reduction of the required front yard on Shiawassee St. from 20 ft. 0 in. to 5 ft. 0 in. to accommodate the proposed lecture room only.
2. A reduction of the required front yard on Genesee St. from 20 ft. 0 in. to 5 ft. 0 in. to accommodate the proposed science lab building only.

Motion carried by the following vote:

Yea: (7)

Nay: None.

Meeting adjourned at 7:20 A.M.

RAYMOND C. GUERNSEY,
Secretary.